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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. *KARL BRANDT ET AL.* (CASE I)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 5

Transcript Volumes (English Version)

Volumes 10-12
Feb. 20-Mar. 11, 1947

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INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America* v. *Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

records of the other Nuernberg and Far East (IMTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

Case No.	*United States* v.	Popular Name	No. of Defendants
1	*Karl Brandt et al.*	Medical Case	23
2	*Erhard Milch*	Milch Case (Luftwaffe)	1
3	*Josef Altstoetter et al.*	Justice Case	16
4	*Oswald Pohl et al.*	Pohl Case (SS)	18
5	*Friedrich Flick et al.*	Flick Case (Industrialist)	6
6	*Carl Krauch et al.*	I. G. Farben Case (Industrialist)	24
7	*Wilhelm List et al.*	Hostage Case	12
8	*Ulrich Greifelt et al.*	RuSHA Case (SS)	14
9	*Otto Ohlendorf et al.*	Einsatzgruppen Case (SS)	24
10	*Alfried Krupp et al.*	Krupp Case (Industrialist)	12
11	*Ernst von Weizsaecker et al.*	Ministries Case	21
12	*Wilhelm von Leeb et al.*	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extemely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genzken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

Waldemar Hoven: Hauptsturmfuehrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmbannfuehrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitaetsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitaetswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitaetswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitaetswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).

Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Weltz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number

of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

Exhibit No.	Doc. No.	Exhibit No.	Doc. No.
301	NO-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

John Mendelsohn wrote these introductory remarks and arranged the records for microfilming in collaboration with George Chalou.

Roll 5

Target 1

Volume 10

Feb. 20-26, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS
NÜRNBERG

CASE No. 1 TRIBUNAL I

U.S. vs KARL BRANDT et al

VOLUME 10

TRANSCRIPTS

(English)

20–26 February 1947 pp. 3213–3617

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nuremberg, Germany on 20 February 1947, 0930, Judge Beals presiding.

MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Will the Marshal ascertain if the defendants are all present in court?

MR. MARSHAL: Sir, to please Your Honors, all defendants are present in the court.

THE PRESIDENT: The Secretary General will note for the record the presence in the court of all the defendants.

Counsel may proceed.

DR. SEIDL: Mr. President, before the examination of the witness Hartlieb continues, I should like to submit a request to you. Generalarzt Dr. Thorner, who was examined yesterday, asked me to tell the Tribunal the following.

In the cross-examination yesterday, the apparent contradiction between Dr. Rudberg's report and his testimony has endangered this witness. He has put his honor as an expert witness, but he stands here to be available to the Tribunal for examination, if this is necessary to clear up the situation.

This morning he gave me an affidavit and asked the Tribunal to decide whether to clear up a misunderstanding as he says it--whether he is to be heard again personally, or whether the Court would agree, of course after consultation with the prosecution, if I submit an affidavit from this witness. After reading this affidavit it seems valuable to me to have at least judicial knowledge of it, for it actually clears up a misunderstanding.

MR. MARRY: Such a procedure as this seems most unusual to me, Your Honor. I would like to have the opportunity of reading this affidavit. If the gist of the particular statements Dr. Thorner would like to make--I submit that he has been duly examined, was placed under oath; questions were directed to him in a very precise but frank manner, and his answers are on the record. Now, whether he wishes to change his testimony or not is something that I cannot understand from Dr. Nolte's remarks. I wish Dr. Nolte would be a little bit more specific.

THE PRESIDENT: If counsel for the defendant Handloser desires to place the witness upon the stand as his own witness recalled, counsel may do so.

DR. NOLTE: Mr. President, if I could give the prosecutor an opportunity to decide by reading this brief affidavit, that will probably be the best solution for all of us. It is not a correction of his testimony, but an explanation of his testimony.

THE PRESIDENT: Counsel for the defendant will hand the affidavit to counsel for the prosecution and allow him to study it for a few moments.

MR. MARRY: Unfortunately, Your Honor, the affidavit is in the German language and I would have considerable difficulty in making it out at this time.

Could we postpone this until later in the afternoon? And I will have two of the members of my staff look this matter over.

THE PRESIDENT: The matter may be postponed, at any rate, until after the morning recess.

MR. MARRY: Thank You.

THE PRESIDENT: If the affidavit will be immediately sent to the office of the Secretary General it will be translated in a few moments.

DR. NOLTE: Mr. President, the direct examination of this witness by me had been finished. The Tribunal had put questions to this witness, and it seemed to me as if the last question which the presiding Judge asked had not yet been answered. Perhaps the Tribunal wishes to continue its questioning.

THE PRESIDENT: The Tribunal has no further questions to propound to the witness. If counsel for the defendant desires to propound further questions on his direct examination, he may do so. If not, the witness will be turned over for the cross-examination.

Have any defense counsel any questions to propound to this witness on cross-examination?

VAN WITTENBERG -- (Resumed)

CROSS-EXAMINATION

BY DR. STEINBAUER (Counsel for defendant Professor Dr. Rieglbeck):

Q. Witness, the Judge asked you yesterday about the content of military orders. Your answer was not very clear. Did I understand correctly that you made a distinction between "instructions" and "orders"?

A. I said that in the service regulations of 1942 for the chief of the Wehrmacht Medical Services, the word "order" was not used. Instead of this word "order" the word "instruction" was used. In military language a distinction has always been made between these two concepts. An instruction, as I took the liberty of saying yesterday, is a directive, a request, a general statement as to in what direction and toward what aim something is to be done, without going into details and making precise statements, which form the actual content and wording of a military order. This distinction was quite usual in military language.

Have you understood me clearly now?

Q What were the results of instructions on the one hand and military order on the other hand, in regard to a medical officer?

A I do not quite understand the question. Could you please phrase it a little more precisely?

Q Is it true that an instruction is only to give directions while an order must be executed directly?

A Exactly the same.

Dr. SCHMIDT: Thank you.

THE PRESIDENT: Is there any further cross examination of this witness by Defense Counsel. If not the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. LATON:

Q Prover, you stated that the express purpose for the Fuehrer's decree of 1942 was to coordinate material or the utilization of material and personnel in the medical field in Germany, that is, the field of the Wehrmacht, civilian sector, with Karl Brandt as the top executive? Now, isn't the utilization of the material and personnel in the field of medical research a common problem of all branches of the Wehrmacht requiring a coordinated and planned directive?

A First, I may correct one thing, Professor Brandt was not the Chief in that matter, but according to the text of the Fuehrer's order, he is entitled to conduct the negotiations, that is what I explained it yesterday. As far as the joint nature of research fields, as I said yesterday, at that time in 1942, we met in the form-period of interest. It is not absolute, there are branches of research which are exclusively for the individual fields, or for the Navy--problems that concern only the Navy or all, that we could not speak of the joint nature of a research assignment.

Q Well, isn't it true, Doctor, that research in considerable number of medical men working on research problems in the various branches of the Wehrmacht?

A In various fields of research, of course?

Q Yes.

A Yes, of course.

Q. Then, that seems not in conflict [illegible] the use of material and personnel. Would it not seem logical that the field of research would also come within the scope of this agency so that they might use some of their [illegible] on research, for other problems to avoid duplication [illegible]. For instance, the Luftwaffe working on [illegible], the Army [illegible] research, the Navy working on [illegible] research, and the Waffen SS working on [illegible]; wouldn't it be a function of the Chief of the [illegible] Medical Services to coordinate such research in order to utilize the personnel and material to the best of advantage?

A. In my opinion, in this case, the Chief of the [illegible] Medical Services, not in this case, but in any case, must consider each individual [illegible] such other [illegible] in the field of research very often [illegible] that he takes to come to a desired goal, and it is quite possible that it is even disturbing, for many people to work on the same problem because [illegible] the path taken by one [illegible] all the same [illegible] in a number of directions. [illegible] research. [illegible] certain [illegible] country in a certain field of research.

Q. And, if I understand you, it would be within the [illegible] of the [illegible] Armed Forces [illegible] direct medical research, if such coordination and [illegible] necessary; is that true?

A. Yes, if it proved necessary [illegible] he would be able to [illegible].

([illegible])

Q Then, that seems to be coordinating the use of material and personnel. Would it not seem logical that the field of research would also come within the scope of this theory so that they [illegible] and some of their research in [illegible], for these problems [illegible]. For instance, the [illegible] working on typhus [illegible], the Army [illegible] on typhus vaccine, and [illegible] working on typhus vaccines, wouldn't it be a function of the Chief of the [illegible] Medical Service to coordinate that research in order to utilize the personnel and material to the best advantage?

A In my opinion, in this case, the Chief of the [illegible] Medical Services, not in this case, but in any case, must consider each individual case to [illegible] in the field of research work [illegible] to come to a desired goal, and it is quite possible that it is even desirable for many people to work at the same problem because one never knows whether the path taken by one person would lead to the desired goal. I would call the [illegible] on a number of directions. In the scientific fields [illegible] a problem from [illegible] different points. [illegible] research. Special financial circumstances [illegible] certain [illegible] [illegible] one certain field of research.

Q Well, if I understand you, it would be within the scope of the authority of the Chief of the Medical Services [illegible] direct medical research, if such coordination [illegible] necessary in that case?

A Yes, if it [illegible] would be able to [illegible]. [illegible] matters.

DR. [illegible]: I have no further questions, [illegible].

[illegible]

Dr. [illegible]

Q. On examination yesterday, the Presiding Judge, given an opportunity to ask you a few more questions because it seems to me that certain military directives of the Medical Service are not quite clear. The defendant Gerlacher, as Chief of the Wehrmacht Medical Service, was doubtless the highest medical officer in the Wehrmacht.

A. Yes.

Q. Yes, Prosecution said that he may possibly have failed to exercise his duty, his duty of supervision; for this reason I must ask you, did Professor Gerlacher, as Chief of the Wehrmacht Medical Service, have such a supervisory duty of all medical officers of the various branches of the Wehrmacht?

A. There can be no doubt that such a right and such a duty did not exist because in the service regulations there was nothing whatever said about this. The regulation would have been made to say that. For example, I remember some regulations in which, for example, in such cases it says to direct and supervise, this expression "and supervise" is lacking in the service regulation of 1936, and was certainly not in the regulation of 1942 either.

Q. [illegible] Mr. President, in my document book 3, under 44-50, page 31, I have a copy from the Army Service Regulation 21, the title is "The Leading Medical Officers in Army Headquarters in the Field Army". I believe that this concept can help you in determining the authority and interpretation of terms which will be important here.

Q. Witness, you apparently know this. Look in this regulation, "They direct and supervise the medical service in their sphere of service according to the orders of their Commander, and the official medical duties of their superior medical officers."

A. That was the kind of thing I was thinking of.

Q. Now, however, that may be. You can understand that from the point of view of saying the highest medical officer of the Wehrmacht has a supervisory duty

even if not in the concrete case. Kindly provide me with a reply and I should like to know from you exactly what is the difference between the concrete supervision provided in the War Judicial Regulations from the supervisory duties of the Chief of the Judicial Service of the Wehrmacht. What must he do in order to fulfill his duty usually to be the highest Court Judicial Officer of the Wehrmacht?

4. In this specific case, as a result, the author had received from the Judicial Chiefs of the Army, Navy, Luftwaffe, and possibly of the Waffen-SS.

Q Witness, I ask for information if I have a particular reason for asking information. I want you to tell me what you would consider the duty of the chief of the Wehrmacht Medical Service, in order to supervise and to make sure that if something happens he will learn about it, what must he do?

A Under this regulation he really had no possibility of doing that. I will assume that in some way by coincidence he heard that at some place in the army or the Luftwaffe or the navy something had happened that he considered wrong or even punishable. Then under this regulation the only thing he can do is to go to the chief of the medical service of the army, the navy, or the Luftwaffe, and say, "In such and such a way I have learned that in such and such a place something objectionable has happened. Please investigate it."

Q If I tell you that in my opinion the chief medical officer has a moral duty to care for his medical corps as far as he can, then he will make use of safeguards in the form of organization in order to guarantee what he considers the ethical and the medical duty; is that so?

A Well, his ethical duty is a matter of course. All of us in the medical corps were trained to that effect, and it would never have occurred to us that anything could happen in that connection. One cannot suddenly issue an order: "I order that one may act only according to ethical points of view." One cannot order things which are a matter of course; and if it is only an individual case which comes to the attention of the chief medical officer, he would in this case have settled it in agreement with the medical officer concerned and consider it such an exception that it would not give occasion for issuing a general order. But one can, of course, say that only in a concrete, individual case.

Q Well, then we agree that to intervene one needs positive knowledge of an individual case, or for general intervention one needs knowledge of symptomatic cases?

A Yes, that's true.

Q Now, the question of responsibility is frequently brought in connection with the question of superiors, as you have heard here. I should like to ask you in connection with the question which the presiding judge asked yesterday to make clear what is a military troop order and what is a medical order.

A Military orders are all orders issued through military channels to the troops, and they are orders which affect the life of the troops.

Q Is there a military troop order in the medical service?

A Yes, that exists. I was just about to give an example. In combatting epidemics, if it is, for example, in the opinion of the chief medical officer necessary for all the troops to be vaccinated, then it is not the chief medical officer who orders the individual divisions, regiments, and so forth directly with his signature. He goes to the chief troop commander, that is, perhaps to the commander-in-chief of the army. If it is a Wehrmacht matter, he goes to the chief of the high command of the Wehrmacht. He explains to him for what reasons it is necessary to have the troops vaccinated against typhus or against dysentery; and he brings him a draft of an order which contains the necessary provisions; and this commander or chief of the high command signs this order on the letterhead of the chief of the high command of the Wehrmacht. Then it goes through channels from the high command to the subordinate commands, that is, army group commands; from there to the army high commands; from there to the corps commands; and from there to the divisions, and so forth; but always through purely military channels. The individual commander, for example, the commanding general of an army corps, passes this information on to the medical officer and his staff and consults this medical officer about measures to be taken within his corps. The order given to the individual divisions and regiments will be signed by the commanding general.

Now, in contrast to this there is the medical service, the medical service generals, a purely medical matter. For example, suppose a new and especially effective method of treatment for pneumonia has been discovered; it has been tested and its effectiveness has been proved; and medical ex-

perience in hospitals and clinics has shown that this method of treatment is a great step forward. Now, the medical chief wants to let his medical officers know about this. It is purely a medical matter, purely a technical matter. This he can sign himself on the letterhead of the chief of the Wehrmacht medical service or of the army medical inspector or chief of the medical service of the Luftwaffe or chief of the medical service of the navy. This goes directly to the medical officers in the headquarters. It does not go to the headquarters of the 25th army corps but to the corps physician of the 25th army corps. The corps physician then announces this new method of treatment to his medical officers so that they know that in treating their pneumonia patients they will have a better opportunity. That is a typical incident of the medical service generals. This difference was clearly expressed in the regulation that all questions or all orders affecting the troops as a whole in any form had to go through military channels. I believe that this is perhaps clear now.

Q Yes. I want to put perhaps a more concrete question. How about directives which were the result of the meetings of the consulting physicians to the medical officers or units? Were they orders or were they instructions or what were they?

A The directives which were distributed, or, rather, the contents of the directives which were distributed were not in the usual military sense orders but advice. But the thing is like this. The medical officers, upon receiving these printed directives, of course knew that they were based on well-considered discussions, for example, at the meetings of the consulting physicians, on the basis of experience which well-known professors and doctors had had; and the medical officers were thus given the latest progress in science and medical experience. Therefore, the medical officers were grateful for it; and in the great majority of cases they no doubt acted according to these directives. That, of course, was the purpose.

For example, I myself as corps physician or army physician, when I asked medical officers at the front about such directives, had the experience that one or another said to me: "In this particular point I have a different

opinion." Then I said "All right, one might have a different opinion on this point; but I will send the consulting physician from my army." If it didn't happen to be my own special field — I was a specialist for internal medicine; and it may be that the question was a surgical question — then I saw to it that this particular officer talked to the recognized representative, the specialist, and discussed the matter; and then he voluntarily accepted the result of greater experience.

Q Now, I'd like to ask one more question which may be superfluous but which is necessary in order to clarify the matter. A medical officer, no matter how high his position, could never give an order to a military officer, no matter what his rank?

A That was expressly forbidden.

Q On the other hand, the medical officer in all things, even medical things which affected the troops, the soldiers as such, would submit his order to the military commander and have it issued by him?

A Yes.

Q Now, a final question. Will you please tell the Tribunal the difference between a higher superior and a direct superior? The prosecution holds the point of view that if someone is a higher superior, a specialized, technical superior, he is the superior of everyone under him in the hierarchy. Is that true?

A As you indicated, there is a distinction made between the immediate superior and the higher superior. If I specify supervisory authority, the immediate superior has supervisory authority over the field in which the medical officer is working. For example, a medical officer in a hospital is supervised first by his section physician, and he by the chief physician. It is, of course, possible for the chief physician to supervise both; but over him again is the divisional physician, who may inspect this hospital from time to time and thus exercise supervision. Above the divisional physician is the corps physician, the army physician, and the group physician, and above him the army medical inspector.

Now, if the army medical inspector makes an inspection and finds some objection, he will, of course, intervene directly; and the immediate superiors will be present. But if, for example, he is working in his office in Berlin and he hears accidentally that in the post hospital in Stuttgart something is said to have happened which he does not think is right, assuming peace conditions, he will turn to the corps physician. He will write to him: "I have learned that in the Stuttgart hospital this certain matter has happened. Please investigate it and report to me." Need I add anything to that?

Q If I have understood you correctly, supervision was in charge of the immediate supervisor?

A Yes.

Q It is not so that the supervision was connected with every superior over everyone subordinate to him in rank? The supreme superior has supervision over everyone directly under him; he has to see to it that these people are in order. They have supervision over the next category and have to see that that is kept in order and the higher officer must intervene if he hears anything from anywhere, but he can do this only through the immediate supervisor, that is, the Chief of the Wehrmacht Medical Service, through the Luftwaffe, Army or Navy Chiefs?

A Well, there is perhaps a little difference between the Army Medical Inspector and the Chief of the Wehrmacht Medical Service. The Army Medical Inspector could, of course, in exceptional cases, if he learned of something, inquire directly, but it was customary that the answer went back through channels, that is, through the immediate superior of the person who was said to have done something wrong, or the immediate superior got a copy; at least they were always informed about it and not eliminated from the whole matter. And you no doubt understood correctly that in general the Army Group Physician was responsible to the Army Medical Inspector and the Corps Physician or Army Physician was responsible to the Army Group Physician. But it was a little different with the Chief of the Wehrmacht Medical Service. The Army Medical Inspector, the Chief of the Medical Service of the Luftwaffe and the Chief of the Medical Service of the Navy were the superior officers of all their medical officers; but the Chief of the Wehrmacht Medical Service, according to the service regulation which we discussed yesterday, was not a superior. In the case of the Chief of the Wehrmacht Medical Service there was no other way then to go to the Chief of the Medical Service of the Luftwaffe, or the Army Medical Inspector, etc. He was not superior. The medical chiefs in question of the individual groups would have resented it if the example which I just gave for the Army Medical Inspector, if he had done the same thing as Chief of the Wehrmacht Medical Service to the Army, the Navy,

or the Luftwaffe; they would certainly have written to him: "I recognize the necessity of this investigation but under the existing regulations we must ask that the investigation of this case be left to us." Consequently, official supervision, as such, within the medical services of the Army, the Navy, or the Luftwaffe, rested with the medical chiefs of these groups, not with the Chief of the Wehrmacht Medical Services. Have you understood me correctly?

Q. Thank you.

DR. NELTE: I have no further questions to put to this witness.

BY JUDGE SEBRING:

Q. In line with the explanations which you have just given, will you answer these questions? Let us assume that the evidence in this case is sufficient to prove that medical experiments on human beings were conducted on concentration camp inmates without their consent, resulting in death, and let us assume further that the evidence is sufficient to prove that such experiments were ordered or conducted by and for the benefit of one of the several branches of the Wehrmacht, from your knowledge what would have been General Handloser's responsibility for such experiments?

A. Your Honor, do you assume that the Defendant Professor Handloser knew of these matters?

Q. I am not making any assumption at all in that regard. You may consider the question either from the assumption, first, that General Handloser did know of them; secondly, from the point of view that he did not have actual knowledge, actual personal knowledge, but that memorandums or information in the matter passed through his office; or, thirdly, that he did not have personal information and that such memoranda did not pass through his office. I would like for you to explore that entire field upon the assumption, the postulate, that the Court has given you.

A. First of all I will assume that there was no knowledge that the Chief of the Wehrmacht Medical Service knew nothing about it, then there must have been someone who either ordered such experiments, or the person who conducted such experiments did it on his own initiative. In this connection, of course, in my opinion there can be no responsibility at all for the Chief of the Wehrmacht Medical Service. He can be responsible only for his orders. If he had ordered such and such experiments are to be conducted then he would be responsible for this order as such. If he did not order it but if he learned of it, then according to the situation, according to the regulation in effect he could not be held responsible for the execution of any such order as such, but ---

Q. He would have been responsible?

A. The person who had medical supervision over the field where the experiments were carried out.

Q. Now, then let us suppose that such experiments had been ordered or conducted by the Waffen SS either for its own benefit or for the benefit of one of the several branches of the Wehrmacht, in such event who would have been responsible for the conduct of such experiments?

A. The person in charge of the SS or the SS who had ordered the experiments would be responsible or if he did not order them, but turned about them and permitted them to be continued, although in his opinion they are inadmissible, it seems to me that the concept of responsibility is still valid. Something can happen somewhere for which the person concerned has supervision without his having ordered anything illegal, and then he knows it is necessary when he hears about it, to have the matter followed up, if he believes that something wrong is being done.

Q. Witness, according to the translator you referred to the regulations of 1942 and 1944 in connection with the duties of defendant Handloser. Did you refer to the regulations defining defendant Handloser's two positions to which he was appointed in 1942 and 1944? That word was translated to us "regulations". Did you mean "regulations" or did you mean what it included, the duties assigned to defendant Handloser? Do you

understand?

A. I would ask the interpreter to say the question up again. (question was again translated in German). One must make a distinction between the order appointing me to the position, that is too prior effective the 1st of September, 1942. The Army Medical Inspector is appointed Chief of the Wehrmacht medical service. That is an order about a personnel change. On the other hand, what I have called service regulations, Dienstanweisung, these are service regulations issued for this individual case, and signed by Hitler in the case of the Führer-Erlass, and the service regulations describe the duties and are signed by Field Marshall Keitel. These were regulations, not orders. We use the word "regulation" for an order, if you like, which defines the duties of an officer exactly or characterizes it in general, as was the case of this regulation of 1942.

Q. Your explanation closes the matter. I would like to ask you further what reports came to the office of the Chief of the Wehrmacht Medical Service, who reported to him regularly or specially?

A. The Chief of the Wehrmacht medical service received reports from the Medical Chief of the Army, Navy and Luftwaffe, and the units of the Waffen SS attached to the Wehrmacht and other units attached to the Wehrmacht for their sphere. Let me say the Army Medical Inspector also Chief of the medical service of the Luftwaffe reported to the Chief of the Wehrmacht Medical Service about things which he wanted to know about medical matters in his Luftwaffe.

Q. I see, but tell me then the Chief of the Wehrmacht Medical Service developed knowledge of something that had happened and again when you said when he learned accidently of something that would happen, how would he develop knowledge or how did he learn accidently of things that would happen? Was there any one who had duty it was to report to him, to give him knowledge and advise him and inform him of things that were happening other than the Chiefs of these services you have just mentioned?

A. In general there were no special officers who could have reported to him, but I shall assume that in some post the doctor in charge, -- there is a doctor in charge of a civilian hospital, during the war. He may at the same time be doing military service in the military hospital, and I will assume that on some occasion, at a meeting say, he has an opportunity to speak to the Medical Inspector of the Army, and to tell him he had a suggestion to make, whether in this or that field, one could not change something in the hospital. That was not the customary way, as in all armies it was customary to report first to the immediate superior, but such cases may have happened now and then; or, for example - one can imagine that someone quite outside the military sphere might complain about some incident, let us say the father of a patient who is in the hospital. The patient is a soldier. The father is a civilian, and has no connection with any military authorities. He visits his son in the hospital, and thinks he sees something wrong. This person is, of course, there if he does not prefer to go to the doctor in charge of the hospital or to the higher superior in that town, nor one can prevent him from writing and complaining to the Medical Inspector. That is one way in which the Medical Inspector might learn of an incident outside the usual channels, and then after he learns of it he will send it to the next superior, or will say "please investigate this matter and report to me." Perhaps he may say, "please report to me in case something is wrong here what you have done about it."

Q. Would the officer who received that letter in the hospital be required to answer it; is that an order from the Chief Medical Inspector to that officer which the officer is bound to obey?

A. The Chief of the Wehrmacht Medical Service would not be able to do that. He could speak only to the Medical Chiefs of the Luftwaffe, the Navy, and so forth. He had no authority to issue orders.

THE PRESIDENT: Counsel may proceed. Is there any further questions?

DR. MEITZ: No, Your Honor, please, but I should like to say the following: The witness spoke of the system of reports in answer to your

questions yesterday. In December I made application to have the War Regulation for the Army, second part, submitted in evidence. This has not yet been possible, as the General Secretaries Office tells me. Here I have those written regulations, and if you agree I shall have those parts of those regulations copied and submitted which refer to the regular method of giving reports.

THE PRESIDENT: Hand the volume to the Tribunal for examination, if you please.

DR. SEITZ: Such a regular reporting procedure did not exist for the Wehrmacht as a whole. As you see from the copy it is the War Medical Regulation for the Army.

THE PRESIDENT: Counsel may submit copies of that portion of the volume which he desires the Tribunal to consider, and the volume itself and those copies proposed should be deposited with the copies in the Office of the Secretary General.

DR. SEITZ: I have no further questions to this witness.

THE PRESIDENT: I have one more question to the witness.

BY THE PRESIDENT:

Q. How many persons comprised the staff of the Chief of the Wehrmacht Medical Service; how many persons were there under his direct command, just approximately?

A. In his staff?

Q. Yes.

A. I cannot give any exact information but that because from 1943 on I did not have any connection. I could not see conditions any more. I can only speak from my knowledge from the beginning of this development, at the beginning until I left. As far as I remember there was only the Chief of Staff and one Medical Officer from the Navy and a few clerical personnel, but there was no one else who was directly subordinate. In the beginning important work was given to offices of the Army, the Navy or the Luftwaffe, and as long as I was there the most important task was to

coordinate personnel strength, and the available equipment. Lists were drawn up by the offices which the Chief of Staff had asked to do this work, and then were submitted to the Staff for final decision.

THE PRESIDENT: If there are no further questions to be propounded to the witness, the witness will be excused.

MR. MARTIN: I have no further questions, Your Honor.

THE PRESIDENT: The witness may be excused.

(The witness is excused.)

DR. SEIDL: Mr. President, the witnesses, General Schmidt Brucken, the chief of staff of Professor Handloser, as Army Medical Inspector, Professor Ayer, head of the OKH Typhus Institute in Cracow, and third, Professor Kilian, are still missing.

Dr. Schmidt Brucken has been requested since the 18th of December; however, Captain Rice of the General Secretary's office has told me it has not been possible to induce the English military authorities to release this witness, who is in the Munster Camp in England, to come to Nuernberg. As soon as this witness appears, I should like to have him called. If there should be difficulties, I ask for the permission of the Tribunal to have an affidavit drawn up in the Munster Camp.

THE PRESIDENT: If the witness appears in Nuernberg, he may be called at a later date in the Tribunal. If counsel desires to take a deposition of the witness on an interrogatory, have him file an affidavit and that may also be permitted when it is ready.

DR. SEIDL: The second witness, Professor Ayer, as I have heard and as I have told the prosecution, is sick. With the approval of the Tribunal, I should like to obtain permission to ask the witness questions in the Eidlingshausen Camp where he is at present. Yesterday I informed the prosecutor of this so that he would have the opportunity of appointing a representative in this case. I shall submit an affidavit.

The third witness, Professor Kilian, is in the Russian zone. He sent me a letter, or rather a telegram, which concerns the meeting of the consulting physicians. I believe that I can dispense with this witness since we are not well informed about these meetings.

Then I come to the end of my case by submission of a few documents. I believe that the Tribunal now has the third document book.

THE PRESIDENT: We have not seen it. Will you hand that to Dr. Seltz? Counsel, there are several documents in Books 1 and 2 which have not been offered in evidence. Is it your intention to offer these or are they to be abandoned?

DR. SELTZ: Insofar as I have not offered them in evidence and will not do so now, I will let them drop. From Document Book No. 1 I have not offered HA 34. That is a memorandum of Reich Student Fuehrer School, page 69. I shall submit this now. There is a supplement which I ask the General Secretary to see. Mr. President, the defendant Handloser ...

MR. MCHANEY: I understand that Dr. Seltz is offering Document HA-34 which is in Document Book 1. I should like to know the number of that.

THE PRESIDENT: It is page 69 of the document book.

DR. SELTZ: Yes, Document Book 1, page 69.

THE PRESIDENT: The document was incorrectly indexed.

DR. SELTZ: The defendant Handloser on the witness stand spoke ...

THE PRESIDENT: Counsel, just a moment. I understand you are offering in evidence Document HA-34?

DR. SELTZ: Yes.

THE PRESIDENT: Have you assigned a number to that exhibit?

DR. SELTZ: Exhibit 40.

THE PRESIDENT: Proceed.

DR. SELTZ: I do not intend to read this document. The defendant mentioned the attempt to have the student companies, the medical personnel, who are given leave to study medicine, the attempts to remove them from the authority of the Chief of the Wehrmacht Medical Service and put them under the political service. As evidence in support of this testimony I submit this document because the memorandum of the Reich Student Leader Dr. Scheel shows what opposition Handloser voiced and what differences there were in this field. The defendant Handloser during his examination also referred to the difficulties made for him by certain people that the Catholic nurses were to be kept in the hospitals. To prove the correctness of this statement and at the same time to illustrate the personality of the defendant, I will read from Document

EA-39, exhibit 49, Document Book 2, page 56. The President Dr. Kreutz, president of the German Charity Association Oberlos, writes on page one of the letter of the 21st of January at the bottom:

"I therefore was pleased when Professor Dr. Hildebrandt was called to head the Medical Inspectorate since I knew that he had his family are religious people and that he in no way was inclined to hide that fact. I was not disappointed. The official environment took an reline soon that he not only felt very kindly toward the Catholic members of orders and to the Sisterhoods, but also that he did show them preference since they were nursing for religious grounds."

Then, at the bottom it says: "Later I was large able to notice that in the most important points of contact between the sisters and the doctors each was closest [illegible] such [illegible]. I always was very grateful for that [illegible] attribute this least fraternizing conduct of the war medical service [illegible] to the extremely correct attitude of the official representative Professor Dr. Hildebrandt. Although I was in a position to gain certain insight into his personal character, I [illegible] recognize that Professor Hildebrandt is a convinced Catholic and that he [illegible] every opportunity. For the sake of the orders, which sisters belong, took up that, in contrast to the fanatical calumnies which the [illegible] inflict on the sisters and their institutions, Professor Dr. Hildebrandt was governed by professional ethics when [illegible] religious [illegible] on Christian grounds.

"By the [illegible] I consider it impossible that Professor Dr. Hildebrandt could ever [illegible] any [illegible] or calumnies which were incompatible with his conscience or his professional ethics. Dr. Kranta, [illegible]."

Now, in regard to this document I must [illegible] that the proof is an Catholic Prosecutor, that he [illegible] in the signature not be certified by [illegible]. I mention it in view of the origin of this letter this fact will not [illegible] the value in question.

MR. JONES: If the prosecution must object to this document, I ask that the [illegible] which Dr. Kubushin [illegible] from it be stricken from the record. I should like to [illegible] that I would [illegible] Dr. Kubushin offering the document before [illegible] it. It is very difficult for the prosecution to make a specific objection when he just refers to a document in court in order [illegible] it without offering it or giving us an opportunity to

ojects.

I think this document is clearly inadmissible because it is not in the form of an affidavit; it is not sworn to, nor is there any statement on the part of the writer of the letter that he has any objection to making an oath. This is merely a letter in reply to one written by Dr. Milde himself apparently. I certainly think it is inadmissible.

DR. MILDE: Mr. President, Document Book 2 has been in the hands of the prosecution for one week. I do not call this letter an affidavit. I cannot call it an affidavit. According to Order No. 7 the Tribunal can admit any document, even if it is not certified by a sworn statement. What value you attach to this, or the contents of this document is another question. I ask that this document be admitted as such.

THE PRESIDENT: The Tribunal admits it too, that it is written in reply to a letter from Dr. Milde of January 4. If Dr. Milde would submit a copy of the letter which he wrote to Dr. Kranz then it will be before the Tribunal something upon which the Tribunal can rule. A letter in the form in which Document NA-39 is now before the Tribunal is clearly inadmissible, being merely a letter. If Dr. Milde can submit a copy of the letter to which this is in reply, the Tribunal will then rule upon the admissibility of Document NA-39.

DR. MILDE: I would ask the Tribunal to instruct Dr. Milde henceforth to make his offer of evidence by the document.

THE PRESIDENT: Counsel, in the presentation of defense, will follow the plan outlined now by counsel for the prosecution; that is, a document should be offered to the Tribunal by number, without reading it, so that opposing counsel may have an opportunity of reading the document and refreshing himself with it and the document is given to be read in the record.

DR. MILDE: Mr. President —

THE PRESIDENT: Before proceeding further, the Tribunal will be in recess.

(Recess was taken.)

MR. UNSELD: The Tribunal is again in session.

DR. DAHY: May it please the Tribunal, in connection with the petition of Dr. Holte to recall the witness Wurfler or to submit an affidavit by the witness, the prosecution strenuously objects to any such procedure. It admits that the witness was on the stand here, he was absolutely examined by defense counsel and was cross-examined by the prosecution. There were redirect examination by defense counsel, and he had ample opportunity to clarify any statements made on cross-examination.

A further stipulation of the Tribunal that a waiver of any such procedure at this trial tends to create a precedent that any witness who has been interrogated, or who has been interrogated, could be recalled upon consent made with the defense counsel, and it would be unfair. Therefore, the prosecution respectfully requests that the recalling of the witness Wurfler or submission of the affidavit be denied.

MR. [illegible]: Will the prosecution please repeat the last sentence?

DR. DAHY: The prosecution respectfully requests that the recalling of the witness Wurfler or the submission of an affidavit from the witness be denied.

MR. MARCUS: The Tribunal is unwilling to grant the position of counsel for the prosecution. It seems that counsel for the defendant should be permitted to recall the witness Wurfler for questioning upon this particular point. The witness, of course, will be subject to cross-examination by the prosecution. The weight of the testimony of the witness will be for the Tribunal to determine.

MR. [illegible]: In view of the Tribunal's ruling, unless the Tribunal itself wishes to hear the witness or unless there is any objection on the part of defense counsel to have it in proper procedure, we will proceed to the consideration of the affidavit rather than to take the necessary time of recalling him. I don't think we have

by questions to put to him.

THE PRESIDENT: Counsel for the defendant Kaltenbrunner may either call the witness or submit the affidavit, as he pleases.

DR. SEIDL: Since this case has already taken up so much time, I believe that the presentation of the affidavit will be sufficient, especially since, as I have previously stated, the affidavit does not contain any new facts but is only an explanation of the facts which the witness testified.

Honor Secretary, I have given you the German copy of this affidavit, and it has been translated to the President. With the permission of the President, I shall now read this affidavit.

THE PRESIDENT: Is it numbered? Does counsel for the defendant assign a number to the affidavit?

DR. SEIDL: I want to submit this affidavit as document No. Ka-55, and it will be exhibit -- In this case I must ask the President for a ruling. The statement by Professor Kreutz was temporarily admitted provided that we submit such a statement until I have also presented my report.

THE PRESIDENT: Counsel may withhold the exhibit --

DR. SEIDL (Interposing): No. I want to ask you to admit it temporarily, with the reservation that I shall subsequently present a letter also.

THE PRESIDENT: The Tribunal may reserve the exhibit until they are finally satisfied, and then assign them numbers.

DR. [illegible]: Very well, your Honor.

I am now submitting temporarily the letter of Dr. Kroutz as Exhibit 41, the affidavit by Paul Hurfler will become Exhibit 42. Dr. Hurfler's statement is as follows:

"Upon questions of the Prosecutor, under the unusual circumstances of a cross-examination, on the occurrence of 11.9.43 (Dr. Rascher's intended journey with the State Secretary) which was brought to my notice and slipped my memory, and on the difference between Rascher's report and my statement I left no doubt. The question consistently arose for me upon what the difference could be based, and I came to the following result.

As I have stated, I was called by telephone from my strenuous work to a conference which was unknown to me and which had been ordered by the State Secretary. Practically this circumstance that I was called by telephone, i.e., in my absence, the possibility of clarification. It resulted from the fact that I was not invited. I was apparently not even notified or represented in the Sanitary Inspection to which the Luftwaffe was represented. As soon as I could free myself, I drove to the office in Tempelhof to the Reich Air Ministry. As I knew for certain that I did not see the film, I only arrived after the film had come to an end. The discussion, of which I was, covered Dr. Rascher's description of the facts according to which he was rather reticent to give me any information. As, from the reasons stated, he is a party and I drove off shortly afterwards.

I am ready to state this on a witness."

The affidavit is signed, "Paul Hurfler".

I now continue to present my documents. I now introduce a letter, a minute of the Chief of the Order of the Benedictines. I present this point because this man also wished to have this statement certified and he argued that his word as a high official of the clergy would be sufficient. I do not know if the Tribunal will make the same ruling in regard to it but in the presentation of the letter by Dr. Kroutz.

In that case, I would withdraw the presentation at this time, and I would submit it at the same time with my initial letter, at a later period of time.

MR. MC NAMEE: The Prosecution offers the same objection to this document. I also state now in order that there will be no element of surprise, that we will raise the same objection to the presentation of whatever letters Mr. Nelson may have written from those people. I do not think that the Tribunal should take the view here so liberal that we can engage in any kind of mail order business for witnesses here. The Prosecution has on several occasions presented documents which were certainly in much better form than this and they were rejected, and I refer particularly to those statements obtained by the Polish authorities police officials in Austria. As a result which the Prosecution had to go to a great deal of trouble and effort to secure better statements. I think, in view of the liberal rulings of the Tribunal, with respect to the defendant's affidavits, that this procedure should be followed and that the letters should not be admitted.

MR. SMITH: May it please the Tribunal, I want to state briefly that there are particulars of a special kind. I understand that the Apostolic Delegate is a citizen of the official relation with the Catholic church, and I believe the point of view that he has the same authority as any other citizen to make sworn statements, and that he believes that they will have an official character which letters will also have in a private character. I wish to point out this again that the Order of the Abbey Maria Laach is a religious order. The Prior of the Abbey Maria Laach.

MR. MC NAMEE: The Tribunal is of the opinion that the exhibit, the letter from the Apostolic Delegate is not admissible in the present form; that it should either be made by a statement in lieu of the oath or properly verified and sworn to before a person with authority to administer an oath. The mere fact that a person has authority to swear solemnly also, to administer an oath, does not confer upon that person authority to administer an oath to himself. So, the Tribunal rules that those letters will not be admissible until prepared in proper form according to the rules of this Tribunal. The Counsel may offer them at some later date if they are presented to the Tribunal in a form that complys with the rules.

DR. WELTE: The defendant Handloser has been charged by the prosecution on the basis of his organizational responsibilities. The prosecution accuses defendant Handloser of having had knowledge of incidents which should have caused him to intervene. The defendant has denied having had such knowledge. With regard to this fact, the question is very important if you affirm the veracity of the defendant. I believe that he has proven his veracity on the witness stand. However, in order to support it and to strengthen it, I have to present several testimonies which give proof of the character of the defendant, of his attitude as a human being and a physician, so that you will see that the impression which he has won, and which he has explained to you, here on the witness stand, also corresponds to his attitude toward the world, and his previous behavior. In this connection, I present the affidavit by Professor Siegrand, which has been properly certified. It is one of the few documents which I will read in its entirety because it really gives a true picture of this man; a picture which is rarely given in such a manner by anybody. This is document NA 47. You will find it in document Roman numeral III, on page 11, and I request that it be admitted as exhibit 43.

"I —

THE PRESIDENT: (Interposing) Just a moment Counsel. I do not find that document indexed in Roman numeral III.

DR. WELTE: In the English I correct but there has been a typing mistake in it, it should read page 11 and not page 8. You will find it in the third part of the index, the affidavit of Professor Siegrand, dated 29 January 1947.

THE PRESIDENT: I misunderstood the Counsel. He is referring to document NA 47, is that correct?

DR. WELTE: Yes, it is document NA-47, an affidavit by Professor Siegrand.

THE PRESIDENT: I understood the Counsel to say NA-43.

DR. WELTE: This document NA-47 will become Exhibit 43.

FRANK SERRIN: Doctor Nulte, on page 11, the document is NA-48.

DR. WELTE: This is also a typing mistake in English and I want to correct it at this time. The original is NA-47.

THE PRESIDENT: There has been an error in this document and on the index too. We have it straightened out now and the Counsel may proceed.

DR. WELTE: I will read the affidavit.

Court I

20 Feb 47-M - 11-1 - LJB- Blakley

Copy 1 Exh. 39 Doc. PA 48

Pathological Institute (21) Muenster (Westphalia)
Westring 17

Director: Professor Dr. H. SIEGMUND

For submission to the American Military Tribunal I in Nuernberg

I, Professor Dr. med. Herbert Siegmund, depose herewith under oath the following facts, which are known to me from my own knowledge:

My name is Herbert Siegmund. I was born on 14 April 1892 in Rybnik, Upper Silesia, resident at present in Muenster, Studtstrasse 17. I am a licensed physician and specialist for pathology; and since 1 August 1942 I have been a professor at the University of Muenster and director of the Pathological Institute, after having previously been professor and director of the Pathological Institute at the University of Kiel since 1 October 1935, and before that at the universities of Tuebingen and Cologne. I am chairman of the medical and dental examining board at the University of Muenster. At the same time I am the head of the working association for paradentosis research, an honorary member and honorary president of the A.I.P. Internationale (International Working Association for Paradentology with its seat in Geneva). Furthermore I am honorary member of various German and foreign scientific societies, especially the French working association and the Danish working association for paradentology, as well as the German Society for Dental, Mouth, and Jaw Medicine.

I met Professor Dr. Gerdiesen through my scientific work in the sphere of paradentology and my research on burns; as far as I remember it was in 1934 or 1935 in Stuttgart, where he was stationed on military service. At that time I repeatedly discussed with him scientific questions which revolved around the problem of paradentosis, heat stroke and sunstroke.

Court I

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Furthermore I repeatedly met him, after his transfer from Stuttgart as scientific assistant of German physicians and of German dentists, and I then got to know him more intimately and personally and as a human being. During the war he was Army Physician of the Ninth Army, to which I was during that time attached as Consulting Pathologist to the Army Physician. During the position warfare in the Eifel in the autumn and winter of 1939/40, as well as during the advance through France as far as Dijon, I was in constant touch with him on official duty as well as privately. When, after the end of the French campaign, the Ninth Army was transferred to Poland, I continued my work as Consulting Pathologist under Professor Handloser until he was transferred to the Army Medical Inspectorate. Later on I attended numerous meetings at which I kept meeting Prof. Handloser. After having become Rector of the University of Münster, I met him repeatedly on official duty with regard to the training of medical officers and the transfer of the medical faculty of the University of Münster to Bad Salzuflen. I know him very well, as a soldier and also as a physician and as a human being, and that for a period of approximately 12 years. He was an exemplary soldier. He was very strict in his demands on himself and his subordinates. He was an exemplary worker, excellent organizer, sparing in his recognitions, and just in his punishments. The medical units under his command, therefore, did exemplary work, during reconstruction and organization in times of inactivity as well as during mobile and positional warfare. Professor Handloser always personally inspected the work of the medical formation under his command and never spared any trouble or trips in order to fulfill his duty.

Prof. Dr. Handloser had an excellent professional training in the branch of internal medicine at the University of Giessen. He therefore surpassed the majority of other active medical officers by his outstanding ability in the entire sphere of medicine. His interests were in no way exclusively and mainly directed toward internal diseases, but he was also to a large degree and very successfully, interested in all questions of

war surgery and hygiene as well as in the health service of the troops. He personally undertook the scientific treatment of a group of trichinosis cases, the solving of which problem is to a high degree due to him. (Spring of 194). He endeavored to put all results of medical science at the service of the wounded and sick as quickly as possible and consequently showed great interest in scientific work and endeavors. Thus at an early date he recognized the importance of dental illnesses for the troops, their efficient treatment and prophylaxis and therefore took an active part in the work of the Working Association for Paradontosis Research. He was especially interested in the further training of his medical officers, always in the sense that as capable physicians as possible and as proved whom is possible be put at the service of the soldiers who were under his command and entrusted to him. During the positional war already he organized training courses for medical officers, during which all practical problems of medicine and medical service were discussed by outstanding experts. After the end of the French campaign he had his Consulting Medical Officers bring the medical and practical experiences of the physicians of the entire Army area to the knowledge of all physicians of the troops at a scientific meeting. He himself joined in the discussions and declined all half measures and all opinions and medical cures which had not been sufficiently proved.

He assisted the Consulting Physicians to a great extent in their responsible assignment. As Army Medical Inspector,

He was especially suitable because of his extensive medical knowledge, his acknowledged outstanding organizational talent, and his imperturbable strong personality. His appointment to this high position was generally welcomed. It also cannot be denied that under his supervision the Army Medical Service was much improved and that outstanding medical work was done in all theaters of operations. It is essentially due to him that during the Russian winter of 1941/42 incisive measures were ordered for preferential hospitalization and transportation of wounded soldiers and that the problem of freezing and of protection against cold was immediately investigated with all available means and forces. He was responsible for generous measures in connection with the diagnosing and combatting of typhus; he also gained the greatest and undeniable merits in combatting malaria, war nephritis, contagious jaundice, and other war epidemics. By establishing an Army Mountain Medical School he detached the constituents of the medical care of mountain troops from the medical and scientific side; by creating a working association for the investigation of occupational diseases in the army, the meetings of which he directed himself as a rule, he sponsored extensive investigation on the increase of blood loss of the gums and tooth injuries which had occurred during the war in various theaters of operations. As Chief of the Wehrmacht Medical Service he took a special interest in the training and advanced training of medical students and the younger medical officers.

Repeatedly I have had occasion to discuss confidentially with Professor Dr. GEBHARDT questions of the medical training, of the fundamental attitude of the active medical officer, of the profession of medicine, and of medical research and science. I have seldom met a person filled by such a sense of duty and responsibility as Professor GEBHARDT. The same high requirements he asked of himself he also asked of the medical officer and of the physician. His supreme principle was always: never to do any harm. I still remember excited discussions on the introduction of sulfonamide prophylaxis for combat units, on the efficacy of a preserved blood or of other means of replacing blood, on the necessity of a prophylactic tetanus

vaccination in cases of burns and freezing, on the possibilities of a protective vaccination against typhus and typhoid fever. In all his speeches and discussions Professor HANDLOSER always demonstrated the highest ethical conception of the medical profession, which in the last analysis was borne out by his deep religious feeling. Professor HANDLOSER refused all uncertain and life-endangering investigations and experiments sharply. He repeatedly pointed out that his soldiers and human beings in general were no guinea-pigs, and permitted treatment only if he was convinced of its reliability and innocuousness. For instance, in connection with research on the pathological anatomy of hepatitis epidemica, he expressly prohibited liver puncture of jaundice patients which I had proposed in order to obtain a diagnosis and scientific research on this disease in my field of duties of the southern Ukraine. I consider it absolutely unthinkable that he approved or ordered experiments on political prisoners or prisoners of war. His respect for the human body went so far that he even considered autopsies, which I had to conduct and to supervise as consulting pathologist, justified only in the strictest scientific spirit and under the most urgent military necessity. In speeches he repeatedly called the attention of the medical officers to the importance of our valuable human material which was entrusted to them in the treatment of the sick and wounded. It is probably known only to a very few people that one of Professor HANDLOSER's most essential characteristics is his profound religiosity. In spite of his optimistic attitude toward life he has devoted much attention to metaphysical problems and condemned most decisively the intolerance of National Socialism toward the religious conception. It is known to me that his appointment to the position of Army Medical Inspector as well as to that of Chief of the Wehrmacht Medical Service was rendered much more difficult because of his lower Saxon descent, his belief in the Catholic Church and his faith and that especially certain circles of the highest SS leadership made great difficulties for him even during his period in office. In spite of his high position, Professor HANDLOSER was by no means persona grata with the

supreme command of the Army and with the High Command of the Wehrmacht. He was absolutely opposed to the ideology of National Socialism. To his closest friends he voiced considerable objections to the leadership of the state and the war and to leading personalities (as far as his high official position could permit him at all to talk about such matters). For his part, he always did all he could to correct unscientific and unexpert actions. He was an exemplary Army Physician and Army Medical Inspector, to whom the German soldier and the wounded or sick enemy owes the greatest gratitude. As much as he was feared because of his strictness, he was esteemed by the whole medical officers' corps because of his objectivity and justice.

I am not related to Professor GARTIGEN, either by blood or marriage, and I am in no way obligated to him on account of personal advantages.

I detest Hitler as a man of honor and a zealous German soldier and a critical scientist.

I have been confirmed in my position as professor of the University of Munster by ordinance of the Military Government of 9 October 1945 and re-ratified by all German committees."

I request that this document be admitted as Exhibit 45.

A picture of the character of the defendant Handloser as a medical officer and human being is given by Document NI-61, Prosecution Book II, which I now offer as Exhibit 46. It is an affidavit of General Prof. Dr. Rudolf Ottenstein very close to the defendant for many years. I do not want to read this document but I request that it be admitted as Exhibit 46 and that it be included in the record.

May I continue?

THE PRESIDENT: Continue.

DR. SEIDL: The next document is Document NI-45 on page 58 of Document Book II. It is an affidavit by 20 General physicians (Generalarzt) of all branches of the Wehrmacht. It is testimony by all these physicians in the highest positions of the medical services of the Chief of the Medical Services, Handloser. I now offering this document as Exhibit 47, without reading it.

I am further offering the affidavit by the well known General-Oberstabsarzt, the Chief of the General Staff of the Army and superior of the defendant Handloser, dated February 1947. This document NI-64 is the supplement of the book - NI-54. I only want to present this document as evidence. Also the affidavit of General Field Marshal List .....

THE PRESIDENT: Document NI-54 would be Prosecution Exhibit 45-46, which?

DR. SEIDL: It would be Exhibit 46. The affidavit of General Field Marshal List, NI-53, Document Book III, on page 33, will become Exhibit 47.

THE PRESIDENT: Please give the Tribunal the number of that document again.

DR. VELTE: It is Document NI-63, on page 33 of Document Book III. It will become Exhibit 47.

The affidavit by Dr. Broxler is a remarkable affidavit. It is located on page 47 in Document Book II. It is Document NI-32....

THE PRESIDENT: Counsel, you are proceeding a little too fast. We are not succeeding in numbering our documents yet, due to the fact that the last document until now was neither indexed or proved. The last we have is your Exhibit 47, NI-53. Will you give us again the next number of your next exhibit -- the number of your next exhibit?

DR. VELTE: It will be Exhibit 47. May it please the Tribunal, this document NI-63, which will become Exhibit 47.

THE PRESIDENT: Please do so, counsel.

DR. VELTE: Now I will deal with the next document is a remarkable affidavit. It is a letter which was not addressed to me ...

THE PRESIDENT: Counsel, if you will in the first instance when referring to an exhibit, give us the number and the page, the document number and the document book, we can then find that document immediately before you proceed to describe it, which will be an advantage to the Tribunal.

DR. VELTE: It is Document NI-33 in Document Book II, page 47, it is to have the Exhibit 48. The document is a letter which Dr. Broxler sent to the wife of the defendant Ernst Lorenz and also sent in this letter to me and I requested Dr. Broxler to have the letter certified and I am now presenting it in this form to the Tribunal. I do not want to touch the personal matters in this letter but only want to present the individual examples to you which are contained in this letter in order to clarify the personality of Lorenz. Starting on the bottom of the second page of the document you will find the following statement:

"His attitude towards the former enemy is shown by small things:

(1), In Poland and France, as General Oberstabsarzt, he was satisfied with inferior quarters. In both countries he refused to let Polish or French men be put out of their apartments or houses if he lived in the house. In Bessneck, for example, he did not even permit an unused bed to be brought from the next house so that the entire staff of the army physician (Armeearzt) could be billeted in one empty house.

(2), Also, in the campaign in the West, 3 American nurses were captured with a French medical unit, it was thanks to his efforts that these nurses were immediately sent to Switzerland.

(3), In the French hospitals he saw to it that German medical supplies were made available to the French wounded. In order to aid the French doctors in the French army hospitals, and in order to guarantee the best possible care for the wounded, he sent, after personal inspection, his subordinate 'consulting physicians'. (University professors of surgery, internal medicine, hygiene, etc.) to the French hospitals and had them help and work there. If German prisoners of war were brought to German field hospitals, he did not give the patients separated according to friend or foe, but only according to the type and severity of the wound or the sickness."

I am presenting this document as Exhibit 68 and request that it be admitted.

I am now presenting some personal statements of the character

Professor Stonborough. First of all, a statement by Dr. Walter. That is document NA-34, on page 51 of Document Book II. I offer it as Exhibit 45 without reading it.

I then have an affidavit by Dr. Stonborough; that is Document NA-31, on page 44 of Document Book II. I offer this affidavit, which was taken in Germany, as Exhibit 54.

Dr. McHaney: The Prosecution objects to Document NA-31 on the ground that it was not sworn to before Dr. Walter. The statement was apparently written on the 1st of December 1946, and has a notation that "I recognize signature of Dr. Stonborough to certify the contents of the affidavit" signed Dr. Walter, Germany, 3 January 1947. If I understand the ruling of the Tribunal with respect to these affidavits, it requires that the affiant be examined on oath or else a statement in lieu of an oath before the officer taking the affidavit, or before a notary public. That has not been done in this case.

Dr. Walter: May it please the Tribunal, this affidavit was received by me on December 1946. Later on Dr. Stonborough visited me in Germany and confirmed to me the procedure, that is, in case there were witnesses connected with the affidavit, I considered it sufficient. And I think it corresponds to the requirements of the Tribunal, that I have witnessed the signature of Dr. Stonborough and I have confirmed the contents of this affidavit. I believe that this affidavit meets the requirements of this Tribunal.

PRESIDING JUDGE: The Tribunal rules that the last line of the document reads "I have witnessed the statement under oath." Does counsel state that the witness, in counsel's presence, affirmed that this statement was made under oath?

DR. WALTER: The witness has certified in front of me that this affidavit of December 1946 was an affidavit under oath.

PRESIDING JUDGE: The document, first, will be received in evidence. Will the witness give the Tribunal with the number of the document--the exhibit number?

DR. WALTER: This is Document NA-31 and it is contained on page 44 of

Document No. 55. It is offered as Exhibit 50.

THE PRESIDENT: The Exhibit is admitted in evidence. In view of the ruling of the Tribunal on the letter from the prothonotary, it is my understanding that NA Document No. 55 would now receive the permanent number NA Exhibit 42. If I remember correctly that number was just assigned to this document provisionally. Is that correct, counsel?

DR. MERTE: That was Exhibit 41. It was the affidavit by the prothonotary Dr. Kruntz. It was Document NA-39. It was Exhibit 41.

THE PRESIDENT: And the document offered this morning by the witness, Professor, has been assigned Permanent Exhibit 42?

DR. MERTE: NA-55 is Exhibit 42.

THE PRESIDENT: That is my understanding. I wanted to be sure that was correct.

The Tribunal will now recess until 1:30 O'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 20 February 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

DR. SEIDL (For the defendant Oberheuser): Mr. President, the defendant Dr. Oberheuser asks in view of her state of health to be allowed to remain away after the recess and a medical certificate will be submitted later.

THE PRESIDENT: The defendant Oberheuser may be excused from attendance in court after the afternoon recess. Counsel may proceed.

DR. SEIDL (Counsel for the defendant Rendleser): The next document in this connection is Document NA 10 in Document Book 4, page 46. This is the testimony of Professor Dr. Volt, director of the Medical Clinic in Mainz. This is an affidavit from a time when the ruling of the Tribunal about the form of such affidavits had not yet been issued. I have asked this Professor Dr. Volt to send us the formula which the Tribunal has requested for such affidavits and he has to submit this provisionally as exhibit 81. The described formula will be submitted later.

MR. JUSTICE BEALEY: It seems to me it might be preferable if Dr. Seidl just submitted the document as a whole at a later date. In that way it will relieve us of the responsibility of checking back on those documents that have been admitted provisionally. I am afraid in some cases we might overlook some of these deficiencies and I would ask that the document be held without being offered until such time as it is in proper form.

DR. SEIDL: I believe that I can assure Mr. Justice that they will not be overlooked. I have noted down that there are four documents which require the new form. I point out expressly that this document corresponds to the formula which has been previously valid; that is, there is this delay only because of the ruling was made.

THE PRESIDENT: If I remember correctly, prosecution offered a number of documents in this manner. I think that counsel for the defendant may offer these provisionally with the record to be supplemented later. Counsel may proceed.

DR. SEITZ: Mr. President, I come to the conclusion. Finally, I refer to the personality of Dr. Handloser, to the affidavit of Generalarzt Penner, HA 6, Exhibit 26, as well as the affidavits of Colonel Dr. Von Erlach, HA 7, Exhibit 26, and Dr. Brunner, HA 46, Exhibit 27. In submitting the two latter exhibits I reserved the right to read the parts defined concerning the personality of Dr. Handloser later and, therefore, I ask permission now to read from the affidavit of the Swiss Colonel Dr. Von Erlach in Document Book 2, page 10, besides Dr. Brunner, Document Book 2, page 73.

The third question asked of Dr. Von Erlach was, "Do you know Professor Dr. Handloser personally? What is your opinion of his personal attitude of principle in questions concerning medical care for prisoners of war as a doctor, a soldier and a man?"

He answers, "I have the privilege personally to have known Generalobersteherzt professor Dr. Handloser for a large number of years. His attitude of principle in the questions concerning medical care to be given prisoners of war as a doctor, soldier and man was absolutely correct. He required all German doctors of the armed forces to adopt a similarly correct attitude and he wished that the provisions of the Geneva Convention be observed strictly. It must be considered as a special merit on the part of Generalobersteherzt professor Dr. Handloser that in the course of the war a special agreement came to pass between the belligerents under which prisoners of war having contracted during their captivity stomach ulcers and duodenal ulcers repatriated by party, as well as those having contracted pleuritic exudative during captivity, were to be considered as eligible for exchange.

"His great understanding as a doctor and as a man for the chronic and recurring illnesses of the prisoners of war impressed me again and again. In every personal interview with Generalobersteherzt professor Dr. Handloser I have been able to satisfy myself of his noble mind, his high conception of the professional duty and responsibility to the prisoner of war, of his human understanding for the needs and sufferings of the prisoners of war, and of his large correct behavior."

And the last in this series is the answer of Colonel Dr. Brunner on page

73 of Document Book 2:

"I have known Generalobersteberarzt Professor Dr. Handloser since 1941 as successor of Professor Dr. Waldmann's in his capacity as chief of the German Army Medical Inspectorate. When present in Berlin he always received the mixed physicians' commission in person and invited it for breakfast. For the last time I saw him at such an occasion around the end of 1942. He impressed me as a highly qualified physician and soldier and a good man. This opinion I expressed already in an earlier letter which I directed a month ago for the President of the Military Tribunal in Nuernberg, through the Military Attache of the US Army at Berne, Brigadier General B.B. Legge, to the supreme commander of the US Forces in Germany, General McNarney, to be forwarded by him. In accordance with the statements I made at that opportunity, I can only repeat here that Professor Dr. Handloser was seriously concerned with the fate of the PW's and that he had asked me to inform him about my observations and possible complaints in the PW camps in general and in the hospitals in particular. It was his position that we should interpret the regulations of the Geneva Convention of 1929 concerning the return of PW's as generously as possible and in dubious cases always in favor of the PW, as for instance in judging those people older than 40 years who were suffering of chronical diseases of the stomach and the intestinal tracts.

"I don't think that I, as a Swiss medical colonel and former physician of a division, should judge the qualification of the chief of the German Army Medical Inspectorate as a soldier. However, I do not doubt for a moment his high military qualities which were decisive for his responsible position. That he as a soldier was also concerned about questions of the medical care for the PW's is demonstrated by the above statements. There remains only the question how much time he had for this task on account of his various other duties.

"I recall Prof. Dr. Handloser as a man in the most favorable way and I feared deeply that at the end of his military career he is exposed to such physical and psychological strain. From entirely personal conversations with him I knew his deep sympathy for our Swiss democracy, a fact which is not

surprising since he grew up in Constance, studied in Switzerland, is connected through family relations with our country and has spent some time there. He never concealed his feelings, just like Generalarzt Prof. Dr. Sauerbruch, the latter having done so even in public which resulted in his being prohibited to make further visits to Switzerland.

"I must be convinced that a man who, like Prof. Dr. Handloser, was so deeply impressed by our Swiss democracy and who made me, as its representative, feel that so deeply, respected our first democratic principle, that of human rights and human dignity, and that he acted accordingly.

"Therefore, I have gained the impression that Prof. Dr. Handloser is a good man and a good physician and I refuse to believe that the unheard-of atrocities performed in the KV camps were carried out with his knowledge and his approval."

It is possible that Prof. Brunner is mistaken in the last sentence. There was no question of prisoner of war camps here.

Mr. President, I ask that I may be allowed to reserve the right to submit various affidavits which have not yet been translated. It would be too long a delay if I were to read these affidavits which I have. I ask that I be allowed to submit later, first, an affidavit of Professor Dr. Wirth, who has been named by the Prosecution recently. This is not a witness whom we have called, but the prosecution has called him here in another connection, and we took advantage of the presence of Prof. Wirth in order to put his testimony on the question of the last experiments in the Military Medical Academy and the question of the significance of the results of the graphology specialists, and finally I asked him to express his opinion on the document concerning experiments in the Concentration Camp Buchenwald which was submitted by the Prosecution where it is alleged that this was done at the suggestion of Prof. Wirth. If the Prosecution should wish Prof. Wirth to be called to the witness stand, this can be done. Prof. Wirth is in the prison here.

Then I ask that I be allowed to submit an affidavit of Prof. Lohe, Director of the University of Dermatology in Berlin. This has not been translated yet, either. Also an affidavit of a Mr. Stuchlidin who wrote a letter to me without my requesting it. This letter went out into the free firm Illinois.

Finally, I have an affidavit in telegraphic form. Here again I must say that it is just in proper form. Finally, I have a typed resolved questionnaire, which I sent to the witness Dr. Salachovsky. It was sent to Prague that is where he is. This questionnaire has not yet been received. As soon as it is received I will submit it to the Tribunal.

With this, for the time being, I conclude my case for the defendant Dr. Dr. Hanelsur.

THE PRESIDENT: Counsel for defendant Hanelsur may present those affidavits when they are in condition to be offered to the Tribunal. This

morning counsel handed up another affidavit, RA Exh. 43, affidavit by Dr. Rendorf. What does counsel desire to do with that affidavit?

DR. HEUTE: This affidavit, Document RA 41, is Exhibit 43. I do not have the supplement here. Mr. President, what is the number, the RA number?

JUDGE SIEMING: This morning you handed up to the bench two documents titled supplemental documents, Rendorf. One of them was RA 43. The other document was RA 54. The Tribunal received Document RA 54 as Rendorf Exhibit 46, but I do not recollect that RA 43 was ever tendered to the Tribunal for admission.

DR. HEUTE: Document RA 43 is Exhibit 32. There was no English translation yet at that time, and you accepted it provisionally until the English translation was made.

DR. PRISTA (Counsel for the Defendant Rustock): With the permission of the Tribunal I call the defendant Prof. Paul Rostock to the witness stand.

PAUL ROSTOCK, a witness, took the stand and testified as follows:

JUDGE SIEMING: Raise up your right hand and be sworn:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold nothing.

(The witness repeated the oath.)

JUDGE SIEMING: You may be seated.

DIRECT EXAMINATION

BY DR. PRISTA:

Q. What is your name?

A. My name is Paul Rostock.

Q. When were you born?

A. I was born on the 16th of January, 1892 at Krana, a district of Goritz.

Q. Please tell the Tribunal about your career, briefly.

A. I grew up in Pomerania in the country. My older brother became a farmer. I studied medicine at Greifswald and Jena. In April 1942 I took

my state examination at Jena and subsequently became doctor of medicine. That was in the year 1922. Immediately afterwards I became assistant at the Surgical University Clinic at Jena under Prof. Sulicka, and I remained at the University Clinic in my capacity as assistant until the end of 1927. Subsequently I became Oberarzt, senior physician, at the surgical department of the hospital at Bochum under Prof. Magnus. During these years I primarily occupied myself with injuries sustained in mining.

Prof. Magnus in the autumn of 1933 was called to Berlin. I went with him as Oberarzt, as senior physician, to the surgical university clinic at Berlin, Charitestrasse. In the year 1936 I was appointed Professor of Surgery. Soon in the fall of 1936 Professor Magnus was called to Munich and became deputy director of the Surgical University Clinic. During this time, because very little time by I also occupied myself with orthopedics, primarily with the description and writing of the books of the entire surgery. In the year 1941 I became regular professor of surgery at the University of Berlin and director of the Surgical University Clinic at Berlin, Charitestrasse, after I had been at that clinic for three years as Oberarzt, senior physician, and had been the deputy director there for five years. In the year 1942 I became dean of the medical faculty at the University of Berlin.

During the last war I was assigned to the Army as consulting surgeon. With the Polish campaign I was not used, and during the French campaign I served with the 16th Army, later on at the hospital base at Paris. During the Russian campaign I was with the 6th Army for two months in Kharkov. At certain intervals I was attached to the Medical University at Berlin. In the fall of 1942 I became consultant surgeon with the Army Medical Inspectorate, and in the year 1944 I received the rank of General Arzt of the Reserve. At the end of 1943, by request of Grandt, and besides my other activity I took over the direction of the Department for Science in agreement with the General Commissioner for the Medical and Clinical Service.

Q. I have a question. You became Generalarzt of which branch of the Wehrmacht?

A. I became assistant of the Surgeon General of the Army.

Dr. ROSTOCK: Mr. President, before I get into the technical part of my cross-examination I should like to submit some of my few documents which will explain to the Tribunal what is to be said.

First, I should like to read from Document Rostock No. 1. I should like to submit a chart which Professor Rostock himself prepared, which is to be Exhibit No. 1. This shows how the activities of Professor Rostock were distributed, divided according to years and percentage.

JUDGE SEBRING: Just a minute. Mr. Secretary General, do you have another book? This is upside down and inside out. Counsel may proceed.

Dr. ROSTOCK: I submit this Document No. 1, Exhibit No. 1.

Q. I ask you, Professor Rostock, to tell the Tribunal that you prepared it to the best of your knowledge?

A. I have made this document out to the best of my knowledge and according to my conscience.

Dr. ROSTOCK: Mr. President, I believe this chart speaks for itself and I need not explain it.

THE PRESIDENT: The chart may be admitted as Rostock Exhibit No. 1.

Dr. ROSTOCK: As Document Rostock No. 2, Exhibit No. 2, I submit another chart. This chart is merely to show the time in which the experiments which are the subject of this trial were undertaken and their relation to Professor Rostock's activity during the war years.

Q. I ask you to look at this chart once more and certify that you prepared it to the best of your conscience.

A. I have also prepared this diagram in the last trials, in which we show the activities which were been carried out and which have already been shown in Diagram No. 1, and the dates which are stated here in connection with the original experiments I have taken from the indictment. I have drawn a very thick black line around the experiments of which I am accused with special responsibility.

Q. May I interrupt you, the Tribunal has photostatic copies. The heavy lines there are not black but white. Also your activity as Editor of the Central Journal of Surgery is not listed.

A. I can only say that I have prepared this diagram to the best of my knowledge in accordance with my conscience. I may add a word of explanation, it has already been said that the experiments surrounded by the heavy line are those which the indictment mentioned in connection with Professor Gebhardt.

DR. SEIFFERT: At the bottom of the year 1933-1944 you will find a horizontal dotted line. This is the beginning of Dr. Rostock's activity. Below that there is a horizontal solid line which is the beginning of the activity of the agency when it was no longer at Rostock's clinic, but in Berlin.

The Document Rostock No. 3, Exhibit No. 3, I submit as Fuehrer Order No. 1 in the first Nurnberg trial before the International Military Tribunal, which was submitted as document R-1. It is an order to all agencies obligating them to absolute secrecy. This order was posted in every office, whether it was a military or a civilian agency of the Reich. This order in particular shows that everyone was allowed to speak only about those things which had to be brought officially to the notice of the other person. This order is submitted to explain that this obligation of secrecy sometimes explains why agencies which collaborated very closely actually did not learn what work was being done in the other agency.

As Document Rostock No. 4, Exhibit No. 4, I submit an excerpt from the list of German surgeons. This is published in 1938.

THE PRESIDENT: Counsel, in regard to Rostock Exhibit No. 3, the document does not bear the date or approximate date when it was issued, promulgated. It might be of interest to the Tribunal to know when that order was promulgated. You may supply that date later.

DR. FEIFFER: Mr. President, I am told that it is about the 1st of May, 1940. I am sorry that I did not include this date, but it was not contained on the order itself, and I received the document as it was submitted in the International Trial.

DR. SERAFIN: Doctor, can you state to the Tribunal whether or not that date is said to appear either by documentary evidence or by oral evidence given by any witness before the International Military Tribunal?

DR. FEIFFER: I will endeavor to obtain this information. I admit frankly that I have not thought about it before, because I know that it was a document which had been admitted in the first trial.

Now, in Document No. Rostock 4, Exhibit No. 4, I submit an excerpt from the list of German surgeons. This is a scientific publication in which all works in the Medical Field are contained which German professors had done at that time. The part of this list of German surgeons which deals with Rostock I have copied and had certified.

Since this lists only Professor Rostock's scientific writings up to about the middle of the year 1937, I have prepared a further list of his scientific publications from the middle of 1937 on.

BY DR. PRIBILLA:

Q. This Document No. 4, Exhibit No. 4, I submit to you, Professor Rostock, and I ask you to tell the Tribunal that you prepared it to the best of your knowledge. I am sorry, that is Document No. 5, Exhibit 5. Exhibit 4, Document 4 is the extract from the Register of Surgeons up to 1937. Document 5, Exhibit 5 is a list of publications from 1937 on.

A. The list of the publications of books under Roman I is complete. The list of the publications of journals I have had to prepare here without any documents and solely in accordance with my memory. It is quite possible that several items are missing here. The wording of the headings of the articles I have likewise prepared by memory and there may be some more differences in the words but not according to the entire matter.

Q. But on the whole you did it to the best of your knowledge?

A. I made them to the best of my knowledge.

DR. PRIBILLA: I believe I do not need to make any explanation about this, either. I submit this list in evidence of Rostock's scientific personality.

Q. Then I should like to ask you - did you later here in the prison, for example, do any further scientific work?

A. Yes, I continued to do that work. In the prison at Nuernberg I have completed a book on the compendium of surgery and I have also completed another book about lectures with regards to surgery. However, I was unable to add the pictures which are necessary for that book.

Q. Professor, were you a member of any medical scientific societies?

A. I was a member of the International Society of Hospitals, and I was a member of the Society of Natural Scientists and Physicians. I was a member of the German Surgical Society, the Berlin Society for Surgery, the Berlin Society for Natural Science, the German Society for Unterheilkunde, and the Accident and Insurance Society, and surgical societies in Berlin, Bochum and Essen.

Q. And did you yourself publish a scientific journal?

A. Ever since the year 1929 together with Professor Brunns and after his death I have issued the Journal for Surgery as editor.

Q. Is that a journal which is well-known in scientific circles?

A. It is the oldest German surgical journal with the largest number of publications.

Q. Were you a member of the NSDAP?

A. Yes, since the year 1936 or '39.

Q. Did you have any office in the Party or any of its branches?

A. No, I was only a nominal member.

Q. Please pause after the question so that the translators can keep up. Why did you join the Party?

A. At that time it was obligatory to be a Party member and it was a prerequisite if I wanted to become a regular professor for surgery in a German university.

Q. In addition to that did you take any active part in politics?

A. No, I have never been active politically and politics do not

generally [illegible]. [illegible] activity [illegible] such [illegible] I did not [illegible]. In this connection I could perhaps quote the words [illegible] in the Spanish novel. It is stated there: "Science is a beautiful [illegible]; it does not [illegible] the lover."

Q. [illegible] of the SS?

A. No, I have never been a member.

Q. [illegible] told the Tribunal about the [illegible] course. [illegible] yourself trained in such a [illegible]?

A. No, I [illegible] the procedure which was followed prior to 1939. [illegible], I [illegible] lecturer.

Q. Did you ever take part in [illegible] school at Alt-Rehse?

A. No.

Q. Did you ever [illegible] at Alt-Rehse?

A. [illegible].

Q. You were head of the surgical University Clinic in Berlin, Ziegelstrasse, until the end?

A. Yes.

Q. [illegible] very busy [illegible]?

A. [illegible] the [illegible] after [illegible] has [illegible]. [illegible] polyclinic [illegible] activity with [illegible] I [illegible] from [illegible].

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Part 2

[illegible]. During the early years of the [illegible] surgeon in the Army Medical Inspectorate. Please describe your activity during the Tribunal.

A. First of all, I had to consult with the Inspector General of the state of the British surgical units. I further had to deal with the reports which arrived from time to time from the front-line hospitals. I had to [illegible] over and I had to give an orientation lecture then, which was a great time-consuming [illegible] of these reports every six to eight weeks, [illegible] to the Army Operations and the Army Corps Area Physician. Further, I had to prepare the [illegible] and scientific work about the medical experiences during [illegible] to be written after the war, [illegible] the medical [illegible].

Q Well, when you were the consultant surgeon, what was your task as to attending the meetings?

A Yes, I participated in the conferences.

Q The meetings what was called "consultant meetings" which were mentioned even here, who called these meetings?

A These conferences were called by the Army Medical Inspector; later on by the Medical Inspector of the Wehrmacht.

Q Did you yourself have anything to do with the preparing for these meetings?

A No, I had nothing to do with it. The preparations were handled by a so-called working staff, which was composed of several members of the Department for Science and Health in the Army Medical Inspectorate. I believe that previously Dr. Handloser stated that more in detail.

Q I shall like to ask you, were you one of the many consultant surgeons, or did you have any special position among these other surgeons?

A No, a large number of consultant surgeons participated, and the number of participants in a conference were between three hundred and four-hundred people.

Q It is said that a section of the Army Medical Inspectorate prepared for those meetings. Who was the head of this section?

A That was Generalarzt — Generalleutnant Schreiber.

Q How were such meetings, what was such a meeting like?

A First of all a common conference took place in a big room of the Military Academy, and then the participants were separated into various individual groups, and then they went to other smaller rooms, and at their conference they would assemble, the internists, the hygienists, the surgeons, and the pharmacologists, in the end another common conference took place in the big meeting room.

Q You just said that you did not have any especially high position among the various consulting surgeons. Could you tell me in a quiet way if at the meeting in May 1943 you were a chairman in a specialized group for surgery?

A. The presidents of those specialists groups were always the consulting hygienists, or surgeons of these specialists groups. That since during that when I was consulting surgeon of the Army Medical Inspectorate, I was charged with the direction of the specialists' group for surgery.

Q. If I understand you correctly, the chairmanship was changed at every meeting, and among what persons would it fluctuate?

A. As long as it was an Army conference, and I believe that was so up to the year of 1942, that was the consulting surgeon of the Army Medical Inspectorate, and afterwards then it became the Wehrmacht conference, and the consultant surgeons of the Army, Navy and the Luftwaffe changed. The Navy did not have any consulting surgeon in the branch.

Q. Then this meeting in 1943 was a Wehrmacht meeting?

A. Yes, that was already a Wehrmacht conference.

Q. And if I understand you correctly, it was a coincidence that you accepted for the Army, and happened to be the chairman?

A. Yes.

Q. Of these reports from the lectures held in the specialists groups for surgery, were you notified of them because you were the chairman?

A. No, I have already stated that the working staff were informed of the lectures that were to be given, and this working staff also compiled the program for the conference, which was very extensive. The working staff also received the manuscripts of the reports by the consulting surgeons or physicians, and it also compiled a printed report, as they have been pre-

[illegible] by the Prosecution in the form of three [illegible]

[illegible] personally [illegible] the report before the meeting, [illegible] point to report in self mind [illegible] in the report [illegible]

[illegible] I actually read it from [illegible] to the world [illegible] lecture, which already [illegible] two weeks [illegible] time. [illegible] in this lecture, [illegible] procedure in scientific meetings.

[illegible] after the speech [illegible] to receive the manuscript which [illegible] for [illegible] submission?

[illegible], I never received the manuscripts. [illegible] to the [illegible] staff. The chairman of these sessions [illegible] the [illegible] which were [illegible] place.

[illegible] to find [illegible] any of these notes?

[illegible] They did not be the written staff. They were [illegible] for [illegible] printed [illegible].

[illegible] staff [illegible] of [illegible]

[illegible] -- [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] the speech?

[illegible] Yes, [illegible] possibility.

[illegible] manuscript [illegible] the recording?

[illegible] following [illegible] the [illegible] continued [illegible] process. [illegible] further [illegible] the [illegible] of this material [illegible] continuation, [illegible], the [illegible] of the matter was not necessary. If I recall rightly, [illegible]

BY MR. PRINGLE:

Q. That is what you said at that time. Well, did you talk to the people about it at the time, and, did this speech [illegible] to attract special attention?

A. No. I have not discussed this subject with anybody, and the [illegible] did not draw any particular attention to it, [illegible] the [illegible] of self-[illegible] I have discussed it only solely in connection with the lectures of [illegible], but at the time of about four or five lectures were given on the subject, and about six or seven [illegible] discussed this as to complex questions.

Q. And I might ask you, how do you explain the fact that this [illegible] it [illegible] attract special attention. [illegible] the [illegible] particularly, or what; or, what [illegible]? 3272

A. In his introductory speech, Goth put stated the same thing that plays a part here in the trial, namely the jurist basis of the whole matter, that this had been approved by prominent jurist agencies so that we did not have any cause to discuss this problem at all.

Q. And you did not get any reaction from among the other professors present?

A. We only discussed this aspect of the question with me; of course we had discussed in detail the effects of sulfanilamide.

Q. Did you yourself personally deal with sulfanilamide scientifically?

A. That of course is only natural, because at the time the sulfanilamide problem was the problem of the theoretical practical war surgeons and in the previous year, I myself had given a lecture in which I referred to the question which still had not been verified and of which there was still a large number.

Q. Did you yourself have the intention of working in the field of sulfanilamide?

A. Yes. In the lecture, which I have just mentioned, I stated that I myself would have examined no work in my clinic if certain pre-requisite for that could be filled. At the time, I stated that the effect of the sulfanilamide appeared especially important to me in the basic research, because we had a very large number of disinfection solutions, but all of them were not sufficient in order to prevent the infection of the wounds. The sulfanilamide seemed to show to me, however, it possibly would be a bit too much into detail if we discussed this any further here.

Q. As you are speaking of that time, you mean your speech in 1942?

A. Yes, that was in 1942.

Q. I should like to ask you to tell the Tribunal how you intended to carry on this work; was that mentioned in this speech, or perhaps you can state it briefly.

A. I had the following idea, that with the wounds of soldiers, one had been injured and that those daily injuries which took place in the

larger cities, that I myself wanted to observe it chemically. That furthermore the physiological examinations should be carried out on the wounds, that also examination of the blood and urine should be carried out with regards to quality as well as quantity. They were usually carried out in the healing of wounds.

Q. Did you actually carry out this work?

A. No, in order to be able to place these examinations on a very broad basis, I required a psychologist, a chemist or pharmacist and also a bacteriologist, however, these people were not furnished to me by the Wehrmacht. The transfer of injured soldiers to my clinic failed for purely formal reasons.

Q. If you had taken conditions in 1942 and made this speech at the meeting; do you believe that the experiments of Professor Gebhardt, which he reported on in 1943, might have been instigated by your speech in 1942?

A. No, I do not believe that. I have already stated that sulfanilamide problems occupied most all of the physicians at that time, not only the surgeons, but also all the other branches of medicine. In the year 1942 I was not the only one to speak, but also four or five other surgeons discussed the same subject, also a neurologist spoke. Like explanations were given by a bacteriologist and a pharmacist. Several of the people there were very enthusiastic about the effects of sulfanilamide and they called it a "wonder drug", however, there were several people who were very reserved.

Q. Do you remember any names of other surgeons who reported or spoke on sulfanilamide at the same meeting as you? I ask your pardon, I understand that other surgeons spoke in addition to you?

A. Yes, surgeons. I am quite sure that Sauerbruch also spoke, Killian, Kruger, Lehmann and I believe Ferendt also spoke.

Q. Were they all consulting surgeons?

A. Yes, all of them were consulting surgeons.

Q. Now I sum up. One cannot say that your speech brought up the problem for the first time and thus caused the experiments?

A. No, the problem itself had already existed for several years. I cannot tell you exactly any more when it was publicized for the first time and that may have been five or six years later. I have further stated that all those who occupied themselves with it that time, and especially Dr. Gebhardt, tried to find a solution through their own way.

Q. You said before that your own planned investigations were not realized; did you no longer work in this field or did you do anything more?

A. Of course sulfanilamide was used in my clinic. Furthermore, in my capacity as consulting surgeon with the Army Medical Inspectorate I also pointed out the importance of this matter and suggested that several research groups, under the guidance of particularly qualified surgeons, well equipped with personnel and medicine, also with laboratory equipment, should be sent to the front line hospitals and they should there study the effects on wounds, which had been inflicted in the course of combat. Accordingly, two such groups were established under Professors Hellner and Koestler.

Q. Did you inform Professor Gebhardt of your efforts in the matter of sulfanilamide or rather in 1942 or 1943 was there any scientific or personal contact with Professor Gebhardt?

A. No, I did not inform him and we did not have any contact whatsoever about it.

Q. And on the tour had Professor Gebhardt did not give you any information about his efforts?

A. No, he did not do that.

Q. At this same meeting, which was attended by consulting surgeons, Professor Gebhardt and Dr. Koestler made a speech about experiments on nerve injuries, was a similar announcement made in this case that they had human experiments?

A. No, not a word was mentioned about that.

Q. From what was said, would one have to draw any such conclusion?

A. No, that conclusion could not be drawn either.

Q. At the same meeting in 1943 at the gathering of hygienists, a speech was given by Dr. Ding about typhus; did you hear this speech and did you learn anything about it?

A. No, I did not hear this lecture because it took place simultaneously with the surgeon's lectures, but it was taking place in some other room and I naturally had to attend the surgical lectures.

MR. SEMELA: Mr. President, I have now concluded my questions referring to professor Rostock's activities as consulting surgeon. Now I begin a new subject. I his activities from the year of 1943 on and the subject for the section for science and research. If the President agrees, I will continue after the recess.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session. May it please your Honor the defendant Oberheuser, having been excused, is absent for the balance of this afternoon.

DR. MERGILLA: Mr. President, I should like your indulgence; and I should like to call your attention again to Document 1, Exhibit 1. I was so brief in my examination that I should only like to refer once more to what section I is dealing now. I have finished my questions concerning the activity of Prof. Rostock in the years 1939, 1940, 1941, 1942, to the end of the year 1943; and now I am continuing with questions concerning the activity indicated by the small arrow in the middle of the bottom.

Q. Prof Rostock, you have known the defendant Karl Brandt for years?

A. I've known him ever since he was assistant at the hospital at Bochum.

Q. Did you have contact with Karl Brandt constantly during the war?

A. We saw each other on very rare occasions. He was located in the Fuehrer headquarters; and I was at the front with the army and also in Berlin.

Q. Were you informed about what he did during the war up to the end of 1943?

A. No.

Q. What do you know about the report of the 28th of July, 1942, concerning the medical health system? This is Document NO-080, Exhibit 2, of the prosecution.

A. From this report I found out that there were difficulties with regard to medical material and the personnel; and of course it interested me to know that Karl Brandt had received an assignment in that respect.

Q. On the basis of the report of 1942 did you take over any official activity for Karl Brandt?

A. No, I did not take over any official activities.

Q. Did you do any work for him unofficially?

A. Mr. Brandt has already stated here that he worked on the planning for the reconstruction of the Berlin University clinics and the medical institutes and working on the establishment of special hospital facilities. These were the hospitals for the bombed out cities. Then occasionally with regard to the establishment of these hospitals I was asked about these questions.

[illegible]more, the limitations of production [illegible] room; this particular time [illegible] to medical instruments, [illegible] apparatus, medicines; and I was [illegible] limitations in this respect on various occasions.

Q. But otherwise you did not know what Karl Brandt was doing?

A. No.

Q. Now is it known that on the basis of the decree of the 5th of September 1943, this Document NO-081, Prosecution Exhibit 6, you were given work for Karl Brandt?

A. After the decree had been issued he approached me with a request.

Q. Did he influence you in addition of the work which you already did for him?

A. I had seen the shortcomings which constantly crop out of the research facilities with respect to science and medicine. I had further seen the degree which could be traced back to Ganti, not only to involve the German medical profession in politics but also the entire medical science. I wished to [illegible] development. In addition to this there were some specially [illegible] [illegible]. First of all, there were the attempts which also arose in 1943 with [illegible] the time in 1943, the fall, to close all the universities and medical facilities in Germany. We were able to prevent this at the very last minute.

Then I heard that the lecturing facilities for physicians and the research facilities of the scientists were [illegible] time were the direct result of the fact that the medical schools as well as the production of books with regard to scientific subjects and student training and text books became small or smaller. Finally I knew that lecturing for the German scientists and the conferences will [illegible] complete standstill.

Q. You were already head of the Surgical Clinic, Generalarzt in the Army, Consulting Surgeon, Dean of the Medical Faculty at Berlin. If, in addition, you took over such a job for Commissioner General Brandt, was there not a certain ambition to be still more important in Germany?

A. There was no personal ambition involved, for as the scientific laboratory work was concerned. That did not cause me to occupy this position. I was trying to help German science in a time of emergency as it has rarely been, as far as I was able to do that. I was trying to improve the knowledge which was available and to save it until such a time as peace would again be in existence. The sacrifice which I made at the time was perhaps greater than can generally be assumed. Afterwards it can perhaps be said that perhaps it would have been better if I had occupied myself with my own scientific work, and there was plenty of it, and which was destroyed in the last few days of the war. In the many years of my clinical activity I had collected a large amount of experience with regards to the pathology of the joints and this was to be compiled into a greater work. It consisted of an extensive study of literature, of case histories, x-ray charts, microscopic preparations all this has been burned and the book will never be written. Nowadays even if I did not succeed in everything which I was striving for in my position, I still believe that my activity has done some good because if, during the first few years of the war, the bases for research have not been completely destroyed and if not everything has been described as unimportant and has been destroyed and burned then I believe that I have played a certain part in this respect - namely, in preserving it. However, that I would ever be accused, on account of my activity, or that I would be exposed to such monstrous accusations, I have never even dreamed of that.

Q. At the beginning of your activity did you get a written statement from Brandt, or a notice of appointment, or anything like that?

A. Such a document was in existence. Today I cannot clearly say, or with, if it was signed. Therefore I cannot answer you with yes or no. It possible that it was not signed. I did not place my special emphasis on such administrative details.

Q. Did you have the impression that by the decree of September 1943 science and research in Germany was put under you?

A. No, not at all. Mr. Lammers has expressed the fact very clearly, in my opinion, that also in the field of science and research Brandt was only told to solve and to carry out special assignments, as it has also been stated in the decrees which have been mentioned here so often. Minister Lammers has likewise stated that it had not been intended to give Brandt such a leading top position. He further stated that his budget was purposely kept at a very low level and that for this reason alone it was not possible to carry out such an extensive activity. Perhaps I can explain this in the best way if I tell you how many collaborators I had. I had four medical students, who also therefore worked at the clinic, and I had about two or three clerks. That constituted my whole staff and I believe that this indicates clearly that with these five men, let us say, and three women, I could not exercise with this staff any large activity which was to extend over the whole medical field in Germany.

Q. You spoke of several decrees. I say correct that. At the moment we are dealing only with the decree of September 1943.

A. Yes, that is the one I am referring to.

Q. Now on the basis of this appointment and this decree what was your activity in effect? How did it begin and what did you deal with?

A. Aside from the beginning to where this acute problem of closing the schools of higher learning, I began in the autumn of 1943, in the offices of my clinic with the help of some of my assistants and for the time being with one secretary, I began my work with regard to the whole scientific situation in Germany. This work made relatively little progress because I had a large number of other things to do also and the constant air raid alarms in Berlin also were not suitable to guarantee a continuity of the work. In order to carry out my work I obtained a list of personnel and literature of the university clinics and I had them evaluated by my collaborators. In this way I obtained a certain insight into the situation at the universities. However it was much more difficult to find out if now the individual people were

actually working at their institutes at home or if they had been conscr[illegible] for military service and they were working abroad. Therefore, the insight was able to obtain was lacking in many respects. Of course no activity c[illegible] be carried out in this field for the time being.

Q. Was anything changed when - I believe it was in February 19[illegible] - [illegible] exercised this activity no longer in your clinic but in the office in Zelit[illegible] near Berlin?

A. The work at Zelitz was, of course, carried out much more slowly. [illegible] the other hand the secretaries of the clinic and the dean's office was very [illegible], especially since the telephone connections failed rather frequen[illegible] and so I had to drive to Berlin by car almost an hour every day and back.

Q. Please say in a little more detail what you actually did in this time; what your work was.

A. At the time I had the impression that social research was the [illegible] interest and that, of course, is understandable in times of war. Everybody was trying, as quickly as possible, to be able to achieve some social success, and they all wanted to be able to submit corresponding reports. This was done in particular by young, inexperienced men who were lacking the [illegible] vision and the guiding hand of an experienced chief. This development was seen to be very dangerous to me because without a sufficiently broad basis no research can be carried out for the duration. It must then lead to failures eventually. As a result of this, I directed my special attention primarily to basic research, and I tried to carry it on until the end of the war.

Q. Can you tell us the difference between basic research and special research?

A. This could perhaps be done best by means of an example. First of all from natural science and technic. The construction of an effective steam engine is Zweckforschung, which is special research, research for the basis and laws of the spontaneous combustion of the steam and the arbitrary destruction of atoms, that is basic research. Then an example for medicine, research into the effect of a virus, and the changes which it effects in the body of animal and human beings, that is basic research; and the establishment of an effective vaccine against this virus and effective treatment of the disease, that is special research, Zweckforschung.

Q. And now with your work you tried to create and maintain basic research.

A. Yes.

Q. How did you do that?

A. The first thing I did was that the individual scientists in certain fields were called to come in conferences, and I have organized these conferences quite systematically. For example, they took place as to the field of penicillin and the microscopic electronic, for example with the exception of the last conference, which lasted two days, not only of lectures, but also chemists, physicists, scientists, textile specialists and dentists and all other specialized people. The purpose of such a conference was not to give special research assignments, but it was to give general ideas in these fields, and similar discussions were under preparation about research on the brain current, on the tissue cultures and Spur elements, and ultra sound.

Q. Perhaps I may interrupt for a moment. These difficult words, if I understand you correctly, express certain things which are necessary in every civilized state as prerequisite for basic or any research work in the future all?

A. They are problems which not only in my opinion but also in the opinion of a large number of other people would probably play a rather important part in the future. But that was not the only thing, it was just as the general heritage was to be extended also the tools of the scientists had

maintained the interview and it succeeded, and I have already stated this previously, before, with regards to preserving medical literature and the protection of books. Of course, at the time no scientific work was practically possible, and also informing German scientists about the results of research abroad. This was done in the early stages at the end of 1944.

Q. May I interrupt you for a moment, Professor; were all those things which were the prerequisites for research, were they endangered at that time, and would it have been very bad if all those things had been stopped?

A. The danger was very great. That was at a period of time when the [illegible] and books were not printed any more in Germany, and we only succeeded because we were able to prove that the paper which was used for the medical journals -- there were still approximately 60 to 70 in Germany---that they used much less paper in the course of one month than the paper used by a single edition of a daily journal or newspaper, and perhaps it would be characteristic to point out that the medical societies were not so active at that time than the war, the scientific orientation as to the amount of paper [illegible].

Q. Then that argument related you better than the scientific argument?

A. Yes.

Q. Now, in the winter of 1943 on 1944 did this activity to preserve the research [illegible] very much [illegible] your time?

A. In this activity much of my time was used, still I couldn't deal with the scientific tasks in the medical research. I want to point out that a great number of my collaborators which I have mentioned previously, in my [illegible] kept in such a manner from me with such a limited [illegible] that I [illegible] the questions which I have mentioned

here. I further here know myself that special research was already being furthered by supervised by other physicians, and that furthermore the necessities of the war were limited to a certain number.

Q. In the chart, Exhibit No. 1, you described the proportion of your activity for the Reich Chancellery, you kept it more or less even. You say here it was about 15 per cent of your daily work; was it not so that from time to time the activity was much greater or did it happen you drove from it here, if your work in the clinic continued fully?

A. If I drew the work in the clinic came to a full account. Of course, it has happened once in a while that I was unable to come to Berlin for several days, that I had some special work elsewhere. This description is for the average of a week, but you cannot be reconstructed this in an individual way.

Q. But, on the whole, it was like that?

A. Yes, on the whole it was like that.

Q. And you said that three or four of your assistants worked on these questions; does this court refer to the activities of your assistants and did they also work at the clinic?

A. They also worked at the clinic, but on week days I was in Berlin almost every day and at least two or three of my men stayed in Berlin, but they returned in the evening.

Q. Was the clinic in Berlin?

A. Yes, at the clinic. In the evening we returned to Sollitz and then general discussions took place; this was mostly in the evening.

Q. Now, were there any written official instructions for this activity issued by the Commissioner General?

A. No, I took upon of my opinion and he left me alone in the execution. I was criticized for myself such a service condition on the occasion, but I did not like the working because for the formulation of such regulations I lacked the administrative juristic experience and a that draft never went by to it but was placed in my desk drawer.

Q. This draft is perhaps not important. I should like to ask you if you know the decree, the decree of September, 1943? This decree mentioned medical science and research and your office was called the Office for Science and Research. At that time, from the time of your appointment, if you consider your work as a sort of dictator in the field of science and research?

A. No, I never did that. First of all every legal basis was lacking for being in a position from Brandt to say were lacking and also, of course, my personal tendency for to play dictator.

Q. And you did not consider the decree in that sense either?

A. No, I did not understand it to be in this way. In my opinion, only one person can be a dictator and that is one man. One cannot run an all-encompassing institute of real science. You cannot tell anybody in that kind of work to reach a certain goal in regard to research. You

My stimulate or suggest to him that he do something of that kind and if he complies with the suggestion, then you can further lend a helping hand in a material field, but only in ways I have already explained. I can tell in this respect that my work was carried out in the face of quite a number of difficulties. I was not able to give any orders at all. I had to try to win the confidence of the people step by step. I had to try to win influence. Even in a state system and with a dictatorship, it is still impossible to become a scientific dictator, because the basis of all scientific progress lies in the critics, also in criticism toward things which we already thought had been proved. Such an attitude excludes any subordination or control subordination under a dictator.

Q. Did you not at least appear as a promoter of research, did you not have a free hand financially, did you not have large funds at your disposal?

A. No, we did not give one cent for anything of this kind.

Q. Karl Brandt in an interrogation said on a record of this interrogation which was submitted by the prosecution here, it is Document No. 1756, Prosecution Exhibit 240. Karl Brandt said that you took a part in decisions concerning the scientific aspect; what was that about?

A. This was the decision on the production of medical equipment and medicine, which I have already previously mentioned, but in this respect I obtained statements by people acquainted with the matter as to the conditions with which they were dealing. Perhaps this could be explained best by means of an example. If perhaps because of the lack of material, for example, if the Schnell was still available, then I turned to a person acquainted with the matter and I described the situation to him. I requested them to inquire from the medical point of view what was by all means necessary, which was very desirable and which was not necessary and then the answers which I received were -- for my negotiations with the pharmaceutical industries, however, I must say that these clinical requests always had to be filled with. It happened frequently that for example a drug, which we

[illegible] described as disposable, that this drug could be produced very easily, because it had accumulated as a by-product of some other product. In such a case, the clinical interests had to stay behind the interests of production. Of course, this was a compromise, but nothing else could be done in time of war. A similar problem existed with regard to x-ray equipment, surgical instruments, etc.

Q. But your contribution was always from the medical side?

A. Yes.

Q. Now, there was a period of time when, in addition to what you have said, you tried to set up a picture of the specialized, the practical research, which was being carried on; when was that and what was the cause of this?

A. That was in the middle of the summer of 1944. At the time the Ministry for Armament and War Production wanted to discontinue the entire scientific research, because they wanted to save personnel and material. I considered this unjustified and at least I tried to prevent this in the most important fields and therefore I turned to the Medical Inspector of the branches of the Wehrmacht, to the Reich Research Council and also to the Reich Office for the Extension of Economy. I requested those agencies to inform me of what research was still being carried out.

Q. Then you went to all agencies, which to your knowledge had research institutions, etc? I mean also the universities belonging there too?

A. Self-evident, including the universities. If in time of war a scientist really wanted to engage seriously in research, then he, not for the sake of scientific research itself, but really for pressing war requirements, he had to receive a research assignment in order to obtain the necessary research material. Do I perhaps explain here why a research assignment was at times necessary?

Q. Speak a little slower, please.

A. Actually, now if a scientist occupied himself with a major problem of war, he had to together with his students on the matter in his clinic or institute. In time of war, he had to have a certain paper. In Germany, when he was told by some agency, the Reich Research Council or the

Research Office for the Extension of Science or some ministral agency, that he was occupying himself with this or that special field of research. The purpose of such a research assignment was that if he wanted to obtain some apparatus or other equipment or test tubes, he went there with his research assignment. For example to obtain test tubes, he had to receive a directive from the competent economic agency so that he was able to obtain this equipment. Furthermore, if one of the agencies which could conscript personnel in Germany and that was not only the Wehrmacht, but that also was the police and some other agencies, desired to conscript personnel, he could say that he had the research assignment and further that the people could not be conscripted as these people were needed because they had to, for their research assignments to carry out. That is why these research assignments were requested in time of war.

Q. Did you know the agencies which could issue such research assignments?

A. Well, today I must say that I did not know all of them.

Q. But at that time you went to such agencies?

A. Yes.

Q. And your own office was not one of such agencies?

A. No, we were unable to do that.

Q. Did you approach these offices in writing?

A. Yes.

Q. How did such a letter at that time read?

A. I cannot remember the exact wording.

Q. Did you issue an order?

A. No.

Q. Did you get answers?

A. Yes, of course, answers arrived.

Q. What did they write?

A. We were informed - it would be best for me to give an example of how these rumors were given. I shall give you an example as it is contained in a document in the files here. It was called Research Assignment of Armament a number, Schwiebert, Innsbruck, Galvanic Barracks. That is an example which is contained in the documents. Then a certain priority; there also was the evaluation of the assignment. Well, perhaps it was stated he received 1,000 or 4,000 marks for expenses incurred.

Q. You say that the priority, the degree of urgency, was also indicated. Would you please explain briefly what that is?

A. The word "Dringlichkeitsstufe" (priority) must be given two meanings. At one time it was a technical term on the war economic field, which stated that the person in question, as I have already stated, was given special assistance. This priority was determined by the war economic staff by Dr. Orth, but I did not have anything to do with that. However, the word "Dringlichkeitsstufe" (priority) ...

Q. May I interrupt you a moment? You said very precisely, "Indic -

time of the priority." Then it said something there - Priority One, Two, Three, Four. The numbers were given; I know that. All I went to find out is that the assignments themselves issued by the various institutions in themselves had a different value, a different urgency. If I am correctly informed this was indicated by a number, and if you say here that the priority was indicated then you mean this number, is that right?

A. Yes, that is correct, because this formerly economic number was also given a certain number.

Q. I was of the opinion that this number, this priority number, was assigned by the agency which gave the assignment, but from what you have just said, I am beginning to doubt. It seems that the assignment was given by an institution and that this priority, this preference, was given by another agency.

A. The priority was determined by the war economic agency. If other agencies were also able to determine such a priority, that I do not know. However, I have only seen these priority ratings but it is also possible that the Reich Office for the Extension of the Economy was able to do that, but I am not exactly informed on the subject.

Q. What did you do with the information about research assignments which you received from the various institutions?

A. The answers which I received were compiled into a research card index and then one of my collaborators, Dr. Christnacken, took care of it. This card index was to help me to give information to questions which might arise and, furthermore, I wanted to be able to give documentary evidence to the armament industry that I would be able under certain circumstances to determine if any dual work was being done at two different places.

Q. Was it so that from this time on everyone doing research work in Germany first had to inquire of you or report to you?

A. No, nobody had to consult us and nobody had to submit any reports to us. Practically, I have only received reports about the results of research. I received them semi-annually from the Reich Research Council because it issued a printed booklet which contained short reports - about so-

home reports - and this booklet did not only contain information about [illegible] but also about the other fields of physics and technique and what [illegible] existed, and I have never turned for such requests to the individual scientists because I would have considered this an unproductive extension of what we used to call in a derogatory manner "paper warfare".

Q. Then you did not issue any such order to these agencies?

A. No.

Q. On the basis of this knowledge did you interfere in any research? For example, did you stop any research assignment?

A. No, I did not do that. I did not have any authority to do that. To the agencies which were interested I gave the information that the Ministry for armament wanted to intervene, and we discussed what fields we would classify as necessary or which were urgent in some way. And in this sense I had something to do with the priority or the urgency. It was so that we classified a dozen fields or there may have been three or four more which, in a die of the situation, we still considered necessary for research. And these two dozen subjects I submitted to the Ministry for armament and also the other agencies which were interested.

Q. This subject is somewhat difficult. You have stated that for assigning an assignment from the point of view of war economy it was decisive to determine the priority which was set by a number?

A. Yes.

Q. A number was placed on the assignment?

A. Yes.

Q. You have said that only other agencies could issue this priority?

A. Yes.

Q. And if you say now that you advocated - that you supported an assignment because of its urgency, then, if I understand you correctly, this was only done by exertion influence on the competent agencies?

A. Yes, that is the correct way to express it. And perhaps another example would be appropriate. In this list of the 12, 14, or 15 urgent fields it was not explicitly stated that the research of Mr. Mueller [illegible]

subject was urgent and several hundreds of assignments may have been given in this field. What I described as urgent was not limited to an assignment for a person which was laid down on paper but only to a larger field which dealt with science.

Q. I believe I have understood you now. This was a matter of general influence which you exercised as a scientist. You have just said that certain fields were more important than others but the decisions as to which individual assignment was important was made by others?

A. Yes, that is right.

Q. This priority number was issued by other agencies?

A. Yes, that is right.

Q. And the person working in a certain field, he needed this priority number in order to accomplish anything?

A. Yes, that is correct.

Q. Do you remember whether Lost experiments were ever mentioned?

A. I cannot answer this question clearly under oath here with yes or no but since during the war we always had to count on the use of chemical warfare agents my belief is that this field was listed under perhaps a dozen subjects.

Q. But if I understand you correctly, this was done in the same form as you have just said, as a general subject?

A. Only as a general subject.

THE PRESIDENT: The Secretary General will note for the record the absence of defendant Oberheuser, excused since the afternoon recess on account of her illness. The Tribunal will now recess until 9:20 tomorrow morning.

(The Tribunal adjourned until 21 February 1947 at 0930 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 21 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the Court Room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honors, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court. Counsel may proceed.

PAUL POSTOCK -- (Resumed)

DIRECT EXAMINATION (Continued)

DR. SEIDLIN: (Counsel for the Defendant Rostock): May it please the Tribunal, first of all I would like to try to answer the question of the Tribunal which is set to Document 3, Exhibit 3. It is this decree ordering secrecy which went to every military and also the civilian agency which occupied themselves with classified material during the war. This decree was already presented before the International Military Tribunal but as far as I could determine nobody knew the date of it even at that time. Now, as another, testimony was presented yesterday in the Milch trial by the Witness General Fuhrer. This gentleman has testified under oath that the decree was dated the 12th January 1940. Now, I do not know exactly what my attitude would be, whether that information is sufficient or if the Tribunal would like to have should submit an excerpt of the record, or if the Tribunal would like a photostatic of this testimony.

May I inquire if the prosecution any objection to stipulating that the testimony in the trial before Tribunal No. 5 referred to by counsel is correct or approximately correct?

MR. MC HANEY: If the Tribunal please, of course I cannot stipulate that the information is correct, I just don't have any idea about the decree was issued. I will, of course, stipulate that Dr. Ortella has given me a correct paraphrasing of the testimony in Military Tribunal 2.

THE PRESIDENT: The record will show the remarks of counsel for the prosecution. Counsel may proceed.

DR. ORTELLA:

Q. Yesterday you had answered the questions which I asked you so far, that you had explained in what manner you came about to touch on the special research problem in Germany and that you began to start a card index file on the subject. You had further stated that this card index file was to serve the purpose of furnishing research against all intervention. You had further answered in that from you received the notification, and that it was only in the form of a short notice of the Ministry issuing the assignments of the scientists, but omitting the priority of matters under which those assignments were issued. I am now asking you if this preliminary work had an effect whatsoever. Did such an interference or an intervention take place, that is an intervention of the part of the armament industry or any other state agency? Did they intervene in the radio 1 research activity?

A. No, such an intervention did not take place. The development of radar also went over this department by the Ministry for Armament. You will see in regard to the situation as it existed in Germany in 1944--all communications were still improved and in every way things had to be improvised. Quite a few laboratories were already evacuated at that time, there just remained only some of them.

Q. In spite of this did you continue and maintain the card index file you had started?

A. Yes, we had agreed with the aim of a decision that it was here to inform the great numbers of people who had been asked in 1944.

Q. Did this happen because you had a corresponding order or direct[illegible]

A. No, that was what I would like to call a gentleman's agreement.

Q. Well, you said although this activity was never carried out you [illegible] planned and collected the research subjects. I think that [illegible] in a gentleman's manner, so to speak?

A. Yes, that is correct.

Q. The other research and [illegible] research assignments, did they have to [illegible] which you [illegible] further research assignments after [illegible] had already started your own [illegible]?

A. No, they did not have to submit them to me at all. Only when such a research assignment had already been issued, then I was informed of that fact. The [illegible] council did this in approximately three months intervals [illegible] first [illegible] contained all the assignments which I have mentioned previously. Only [illegible] the Chief of the Medical Service of the Luftwaffe [illegible] received a copy of all [illegible] which were issued. I think General [illegible] was also entitled to [illegible] on the [illegible]

Q. Did I understand you correctly [illegible] these reports went to you after [illegible] assignments had been issued?

A. Yes, after [illegible] subsequently.

Q. [illegible], have you ever received any notification from which you [illegible] that [illegible] experiments were carried out on human beings?

A. No, I have never received any such notification. Also, [illegible] if I had [illegible] files available here, and the card file index, which I [illegible] my [illegible], [illegible] General [illegible] that [illegible] would [illegible] to [illegible] which [illegible].

Q. On 25 August 1944, [illegible]. It [illegible]. This [illegible] is [illegible]. This [illegible]. Did this [illegible] your [illegible]?

A. [illegible]

[illegible] of instructions in the field of research. And, when the organization began to disintegrate already in 1944, it had already progressed [illegible] that it could not work according to the plan any more.

Q. Were the medical and scientific societies subordinated to you?

A. No, the medical societies were subordinated to the Ministry of Interior Territories, during the last four years of the war these societies were having their winter sleep, so to speak. They had not been placed in that position through their free-will, but through a decree which was issued by the Propaganda Ministry which prohibited any meetings or conferences so far as they were not only of a purely local nature. I know that on the Allied side many meetings and conferences were being held. They were also held even in international bodies, and with reference to that fact, I have tried on several occasions to urge the Ministry for Armaments to withdraw the decree which it had previously issued. However, I was not successful in doing this. However, if by medical societies, for example, you mean the Ahnen Society, and its contacts with the SS, then I must say that I heard of this society for the first time here in Nuremberg.

Q. Do you know anything at all about research assignments which were carried out within the framework of the SS organization?

A. As the occasion of the questions which I have mentioned yesterday, I had physicians of the SS informed me of three or four research assignments which I cannot remember in detail any more. In any case, I had the impression that this was not research, rather, were being carried out on the part of the SS. However, I must say that I have remarked, without any doubt, tried to remain as free guiding my thoughts that I did not at all succeed in doing so.

Q. [illegible], you spoke of the number of the SS which raised in your question [illegible] subjects?

A. [illegible].

Q. [illegible], can you give us another [illegible] if the subjects which [illegible] at that time?

A. I can remember the one subject, if I remember correctly, about [illegible]

history of homosexuality. However, in any case in the method of treatment, I cannot remember that exactly any more today.

Q However, do I understand you to the effect that there was nothing whatever based subjects that seemed to be very important to you in that time?

A No, it did not seem to have any importance to me.

Q Did you find out anything about the fact that the research department carried out up till 39 in the various concentration camps?

A No, I have not found out anything about it.

Q Did you find out anything about the experiments on twins in the part of the SS?

A I never found out anything about that either.

Q At the time, did you think it was so, when in answer to your inquiry, you were given these very unimportant subjects?

A No, I have not made any additional inquiries.

Q Why did you fail to do so?

A There was no special reason for so doing it, and furthermore I had been told by Himmler that the time when the decrees were issued, which he so frequently mentioned here, through the General Commissioner, that Himmler told me at the time, in the presence of Müller, that he had told him quite clearly that the SS--that in the not concerned with the SS, and that these decrees did not refer to the field of command of the SS.

Q Did you, in a scientific title, ever have connections and contacts with the Institute of the SS?

A No.

Q Since 1943 did you have any contact with the Reich Research Council?

A No.

Q Do you have any contacts [illegible] with the Reich [illegible]

A [illegible] in the position of the representative of the [illegible] that was in the year 1945, [illegible] called [illegible] National Council of the Reich Research Council.

Q At the end of 1943 when you began your work, did you at that time have contact to the Reich Research Council?

A. For every member of the Presidial Council, a deputy had to be appointed, and since this position was not occupied on the staff of Brandt, he appointed me as his deputy early in 1944.

Q. Were you paid as a result of this appointment?

A. No.

Q. Did the Presidial Council hold any meetings or conferences, and did you attend these conferences and represent Brandt there?

A. I did not know anything about such a conference, then, in any case, I did not attend such a meeting, and furthermore, I never received any invitation to attend one.

Q. Do you know anything about a service regulation, about this Reich Research Council?

A. I never saw any such service regulation.

Q. For everything that was discussed in the Reich Research Council or was received in the form of reports, was there any specific secrecy imposed?

A. The Reich Research Council, just like any other thing in Germany--in order to save a state organization, there was a certain criminal for secrecy. The [illegible] underground letters were classified as secret, and perhaps I could describe to you an incident which I have from my activity as Deputy of the Reich Faculty in Berlin. It may have been in the year of 1942 or 1943, and these questionnaires were sent to all the university teachers by the Reich Research Council and to all had to fill in every extensive certificate, and these were contained personal questions, as this also was valuable material in the literature and scientific branches, just as it is now in the hands of the English "Who's Who", and furthermore, not to be listed in the scientific publications which had already been printed, and also [illegible] of the leaders, surgeons, etc. and [illegible] in Germany who fell in my opinion to be in my high school, which [illegible] a strong feeling that these questionnaires were classified as secret.

Q. Where did you obtain knowledge of the research and the other activity of the Reich Research Council. Did you receive any reports?

A. Approximately every six months the Reich Research Council issued a yellow booklet which contained short reports about the research work which had been completed and which had been financed by the Reich Research Council. These booklets did not only contain reports from the field of medicine, that actually occupied a very small part of the booklet, but it also dealt with all other fields, with technical matters, physics, and agricultural cultivation practices and so on. All these things were contained in the booklet, and these reports also were classified as top secret.

Q. [illegible] from those research [illegible] anywhere in Germany [illegible] carried out [illegible]?

A. [illegible]

Q. [illegible] those printed [illegible] you yourself [illegible] any [illegible]?

A. No, I [illegible] received such [illegible].

Q. Did the members of this presidial council have any authority to issue [illegible], [illegible] to supervise the business of the Reich Research Council?

A. No. The special branch heads in the Reich Research Council were [illegible] directly to Goering.

Q. [illegible] about this [illegible]?

A. [illegible] by the first acting president in the Reich Research Council [illegible] closely. Mr. [illegible] this [illegible].

Q. [illegible] in charge of [illegible] of the Reich Research Council for [illegible], [illegible]?

A. The research [illegible] issued by the specialist branch [illegible] for special [illegible]; [illegible] research [illegible] in general.

Q. [illegible]?

A. [illegible] that [illegible].

Q. [illegible] previously [illegible], [illegible] was [illegible] in the Reich Research Council?

A. [illegible] in that [illegible], [illegible] other capacity. [illegible] council.

Q. [illegible] Council?

A. [illegible] that [illegible] representative [illegible] in [illegible] capacity. [illegible]

[illegible] Council [illegible] last year, [illegible] attitude [illegible] hold [illegible].

. The prosecution has [illegible] here which [illegible] the correspondence between the [illegible] of the Polish Research Council [illegible] the Polish physicists [illegible] in the [illegible]. This is document 0-2-55, prosecution's Exhibit 1/0. In this correspondence, which [illegible] the retiring president of the Polish Research Council [illegible] the Polish physicists 55, the prosecution has reached the conclusion that [illegible] at the first [illegible] experiments in nuclear physics had been [illegible] in this letter. But only [illegible] in this connection?

. I [illegible] that I saw this correspondence for the first time here. It was [illegible] by the prosecution [illegible] it was introduced in the [illegible] 1952 [illegible]. At that time I was not [illegible] anything whatever [illegible] Polish Research Council. It was [illegible] in the year 1952. I [illegible] that [illegible] correspondence [illegible] me.

. [illegible] if there [illegible] research [illegible] the Polish [illegible] Council, [illegible] that [illegible] instruments?

. If [illegible] "initiative" [illegible] only if they are [illegible] to do with the war "preparation", then yes.

[illegible] that [illegible] their research in the field of [illegible] in the [illegible] in the Polish [illegible] Council with the research here. Research that cannot be [illegible] in the field — or [illegible] well — we don't [illegible] research [illegible] in this field or that the people who [illegible] Council [illegible] with the [illegible] in carrying their work.

[illegible] further [illegible] their [illegible]. [illegible] with the [illegible] sixty [illegible]. [illegible] I [illegible] the Polish Research Council, [illegible] Council [illegible] Research Council [illegible].

[illegible]:

Q. [illegible] it known that the [illegible] Research Council had to comply with this request or could it have refused the request?

A. It [illegible] to comply with it; it could also refuse.

Q. That was a suggestion?

A. Yes, that was only a suggestion.

Q. The witness Prof. Gutzeit has testified before this Tribunal that you [illegible] written inquiries to him with regard to [illegible] [illegible] tissue [illegible] against typhus, consisting [illegible] [illegible]. [illegible], the witness [illegible] of a [illegible] [illegible] from [illegible] Research [illegible] Research Council. [illegible] the witness [illegible] in the [illegible]. [illegible] an explanation on this subject?

A. Yes, I [illegible] that. [illegible] Dr. Gutzeit [illegible] up [illegible] Research, [illegible] Research Council. I [illegible] typhus, [illegible] in [illegible].

Q. [illegible], [illegible] inquiry [illegible]?

A. Yes.

Q. [illegible] Document NO-[illegible], [illegible] Research Council [illegible] official [illegible] Research Council. [illegible] explanation [illegible] subject?

A. As I have already stated, we wanted to have this discussion about [illegible] penicillin. Technical difficulties prevailed which were caused by the decree of the Propaganda Ministry which I have just mentioned. This decree prohibited the holding of any meetings. For this reason I turned to Mr. [illegible] in his capacity as Dutch Research Council [illegible]. Mr. [illegible] [illegible] official discussions. [illegible] Furthermore, I have also stated that I wanted to keep the [illegible] scientists informed [illegible]. [illegible] the Dutch Research Council. It was [illegible] the Dutch Research Council [illegible] this request [illegible] together [illegible] I initiated [illegible] of the Dutch Research Council.

Q. You stated that information about the literature abroad was necessary at that time were there not a large number of medical publications in existence which dealt with articles and speeches?

A. Yes, that is correct, because a large number of medical journals had a certain department and in peace time the most important part of foreign literature was very carefully analyzed. I know this very well from my activity as editor of the Central Journal of Surgery and all the editors subscribed to the most important foreign journals. At the beginning of the war all of this changed. We were not allowed any more to subscribe to any foreign literature any more. Certain editions of the foreign scientific journals still came into Germany. However, they had to be treated as secret material and even if an editor was able to obtain such an edition through some other ways that he was not allowed to analyze it. That had been prohibited by the Ministry for Propaganda. I considered this as unfeasible and I considered it nonsensical. For this reason in the year 1944 I began to organize such a secret information sheet.

Q. In March 1945 Karl Brandt was ordered to summarize medical research within the Reich Research Council. You know this decree, don't you?

A. Yes, I know it.

Q. Will you please confirm to me if the date of March 1945 is correct. That is several weeks before the end of the war?

A. Yes, that date is correct.

Q. Why was this instruction issued?

A. First of all in my opinion this decree indicates very clearly that Brandt did not have any influence on the Reich Research Council before this decree was issued.

Q. May I interrupt you? Then you did not have any influence either?

A. No, I did not have any either. Then why this decree was issued in the very last phase of the war was probably caused by the fact that things were not functioning correctly any more even in this field. Perhaps he thought this condition changed by means of a piece of paper.

Q. Did this decree have any practical effect?

A. No, the decree arrived several days before our agency was moved from Sellitz to Thuringia and it did not have any practical effect whatsoever.

Q. During your activity there was an institute like the Kaiser Wilhelm Society, there were several institutes here that were subordinated to you.

A. No, the Kaiser Wilhelm Institute was a society on a subordinate basis which is not exactly known to me. I have heard on one occasion that it was a society of public law. I personally cannot even imagine anything under that title. This society was subordinate to the Reich Ministry of Education. However, I do not know any details as to what it's exact subordination was.

Q. This document has been presented here in some other connection, that is Document No. 1309, this is Prosecution Exhibit No. 226. It contains a file note about a discussion which took place between Dr. Blome and a certain Dr. Kliewe. The prosecution concluded from this that you were also informed about bacterial-biol warfare. Can you give us any statement on that subject? I believe that this letter is on the 22nd of February, 1944.

A. I have seen this file note for the first time in the documents here. My name has not been mentioned in the document and I did not attend this discussion. I have previously never heard anything about the working committee, "Blitzbbeitter". I do not exactly know what that name was. I only know the following about bacteriological warfare: That Generaloberstabsarzt Handloser, in my capacity then as his consultant surgeon, ordered me to attend a meeting and probably because the invitation stated something about cancer research and warfare because he wanted me to utilize my specialist knowledge in that field in the course of the meeting. Generaloberstabsarzt Handloser gave us detailed information about his conversation with Professor Blome and it is probably sufficient if I confirm that the meeting actually took the same course as have been described here. It was interrupted without having achieved any results whatsoever and I personally have never heard again of this meeting at a later period of time.

Q. I request that you state quite briefly what subjects were dealt with during that meeting. When did this meeting take place?

A. I do not know the exact date any more but it must have been in the

spring or summer of 1943, and the following persons were present: Blome, Handloser, a veterinary general from the Veterinary Inspection, and perhaps one or two other men whose names I do not remember any more. Blome stated that he had received instructions by the Reich Marshal to deal with pathological warfare some way and he was trying to receive information of the people who were connected with the armed forces, and Generaloberstabsarzt Handloser first asked him if he was able to show any written instructions because he had received the strictest orders that on the part of Germany no preparations at all were to be made in this field and that he was unable to give any information without first having received the authority to do so by his military superiors. Since he had not received this authority and since he was unable to say what the meeting would deal with, he was unable to give any information or furnish any documents at this time, and then Veterinary General Richter said exactly the same thing. The meeting came to a conclusion after a relatively very short period of time.

Q. And later on the subject never came to your ears again?

A. No, I never heard of it again.

Q. The indictment brings you into contact and charges you with the responsibility for malaria experiments which were carried out in the Concentration Camp Dachau. What can you state in connection with that?

A. I do not know on what the Prosecution supports itself. I have found out in the course of [illegible] that [illegible] the order for such exper[illegible] [illegible] and issued in February 1943 by [illegible]. At that time I was [illegible] surgeon with the [illegible] at the front. I have never [illegible] with [illegible] and I did not know [illegible]. [illegible] the experiments and I have never been at Dachau. [illegible] of all these experiments from the publications [illegible] [illegible] after the capitulation.

Q. The Prosecution has brought you into connection with [illegible] that is with the polygal experiments. [illegible] the only [illegible] for it is a certain place in the [illegible] diary. This is Document [illegible], Prosecution Exhibit 1[illegible]. On [illegible] of this diary appears [illegible] the following: [illegible] on the [illegible] inquiry from [illegible] [illegible] of [illegible] [illegible]

A. At the beginning of [illegible] [illegible] blood clot- [illegible] [illegible] discussed [illegible] [illegible] [illegible] not [illegible] [illegible] [illegible] I [illegible] [illegible] [illegible] I did not [illegible] [illegible] [illegible] in the public [illegible] [illegible] of course, [illegible] not [illegible] [illegible] I [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Yesterday, [illegible] been [illegible] in the course of the trial [illegible] on the occasion when [illegible] in order to infer [illegible] about the last experiments of Professor Dirk. This is Document [illegible], Prosecution Exhibit [illegible]. [illegible] information [illegible] time [illegible] anything about it?

A. I did not see Sievers at that time and I did not see the report [illegible]. The report [illegible] only [illegible] for the first time [illegible] it belongs to the complex of preventative measures [illegible] I [illegible]. I did not deal with this question [illegible] was dealt with by Dr. Rose personally.

Q. Do you remember further that a year later [illegible] experiments [illegible] malaria prophylaxis, experiments involving [illegible] which were carried out in the year 1944, at that time [illegible] in the office for Science [illegible] carried out. Did Dr. [illegible] that these experiments were carried out before you before the [illegible] was [illegible] or is it correct?

A. No, that [illegible] to me.

Q. In the interest of the record [illegible] document book in the free [illegible] which you received [illegible] only for your [illegible] file?

A. It is in itself [illegible] possible. However, I do not [illegible] [illegible] I do not know [illegible] but it was [illegible] I inspected [illegible] the authorities to [illegible] [illegible] and [illegible] [illegible] vision.

Q. [illegible] is the content of this memo [illegible] [illegible] (Pause)

A. [illegible]

Q. [illegible] [illegible] [illegible] [illegible] [illegible] experiments [illegible]

Q. I did not have anything to do with the planning or execution.

A. Do you remember this personally?

A. Yes. I know what it. Furthermore, a document has been presented here which contains the record of our preliminary discussions. I do not know the document number.

Q. That is document 20-177. I shall give you the exhibit number in a minute.

A. And the record indicates that I did not have anything to do with it and the distribution shows that it was not sent to me either.

Q. Did you [illegible] that at the time?

A. No.

Q. Now as you [illegible], I shall give you the exhibit [illegible] the record.

Let me ask the physiological experiments which have been performed here, the Prosecution has presented a document which is 20-[illegible]. It is the document EXHIBIT 107. It is a [illegible] from the letter that I sent to [illegible] the Medical Scientific Council in which we gave the exact number of human beings which would be involved. Do you know anything about this?

A. No. I have seen this document here for the very first time. [illegible] - A. I do not know [illegible] either.

Q. The physiological experiments were carried out by Professor [illegible] laboratory. Didn't you have anything about the issuance of the [illegible] available to Professor Ruff or the [illegible] in it?

A. [illegible] Medical Scientific Council. In fact I [illegible] the Medical Scientific Council [illegible] representative of

[illegible] Council, [illegible], I [illegible] [illegible] [illegible]

Q. In the course of the trial a report has been presented which the previous witness Professor Hagen wrote to Stravisur, and which deals with typhus. Do you remember that Document?

A. Yes, I can remember it.

Q. It is Document NO-138, Prosecution Exhibit 300. What kind of report is it?

A. From the correspondence with Dr. Dreser, which was presented at the same time, it is indicated that it is a report, as it was contained in the printed collections of the Reich Research Council, which I have previously referred to.

Q. Did you read these reports from the Reich Research Council? Do you remember if you have seen this report by Professor Hagen at an earlier period of time?

A. This is hard to recall. It certainly did not come to my attention. I can only say that it would probably have remained in my memory.

Q. Did you read this report more closely now?

A. Yes, I have studied it very closely.

Q. According to the knowledge which was in vogue at the time, can you confirm this report that all the complaints on hygiene which form the basis of this report?

A. Yes, I would do that, notwithstanding I know the subject of this trial.

Q. This report speaks of the production of a living typhus vaccine. Can you make statements from the experience?

A. Yes, I can. Typhus virus vaccines contain an active virus, which is [illegible], in this instance could be kept confined in the vaccine [illegible] of sufficient [illegible], because typhus is [illegible] virus [illegible]. It is [illegible] from the [illegible] of [illegible] by [illegible], but the virus is inoculated with a weakened active [illegible], [illegible], in our case [illegible], to the [illegible] of a very stable [illegible] which [illegible] [illegible] or reading [illegible] it is [illegible], [illegible] [illegible], then the body forms [illegible] [illegible], [illegible] [illegible] of an infection to which the [illegible] [illegible], not [illegible] like it, but in a similar way, [illegible] [illegible] typhus, because it is [illegible] virus [illegible].

Q. However, there is still another place in this report where it is stated the effects of this vaccine had been tested on 8 persons.

A. In order to use a word which has been mentioned in the course of this trial, that is within criminal if a number of people are vaccinated against typhus as is done in every army when troops are to be used in an endemic area; then after a certain period of time an agglutination reaction can be produced. This can be done with a drop of blood which may be taken from the lower top finger and with this reaction it can be determined as soon if an immunity has been obtained with the various people. For example, it can be concluded from it if one or the other person has to be immunized again or the effect of the immunization can actually be determined in numbers. From these so-called tests Rose has reported with reference to the dry vaccine which he has newly developed and, in my opinion, an expert cannot draw any conclusion that anything illegal was connected with this report.

Q. Now the Prosecution has assumed that a physician like yourself, who had such a high position in Germany, even if he did not have any knowledge of crimes in detail, still participated in a conspiracy to commit criminal experiments, because, in the medical scientific field, he was working together with other scientists, especially when such things were done by other scientists. Now I ask you, do you see any such connection with other scientists and would justify this assumption?

A. The indictment contains a conspiracy on several occasions. I do not know the juristic definition of the word conspiracy but in the sense of lawyers, I think what I can say is the following: Under the guidance, emphasized military and powerful uniform concept of subordination always shown to the military, exactly such a position of correlation existed and exactly the opposite of subordination existed. This reference to, for instance questions of this kind that the world knows as circle relations. This reference to what a scientist has to do with reference to individual suggestions, persons and groups on the basis of personal impression in the direction of that subject. In my case, no conspiracy was involved; there was no trace of such a conspiracy.

Q. From the trial you know at this time the various points of the indictment

with which you are being brought into connection. Now, in conclusion, do you have any remarks to make with regard to the form of the accusations?

A. As a scientist I am used to considering material on moral professionally and without any passion, regardless of my person, and I have done exactly the same thing in this connection. From the composition of the individual points of the indictment I believe that the power conditions and the struggles for power as they existed in Germany during the war, have not been taken into consideration. Towards the end of the year 1943 the disintegration of the organization in Germany as a result of the effects of the war, had already progressed very far. The individual agencies had fortified their positions of power and now they avoided, to a very large extent, the influence of other agencies. The State Leadership tried, because of the difficulties which were accumulating, to achieve an improvement by establishing new agencies. Thus the position of the Reich Commissioner for Health and Medical Service was one of a large number of such attempts. On the other hand, however, the omission of the supreme state leadership was so apparent that a really effective new organization could not be achieved. Even my unofficial activity with the Board of several assistants and a very small field of competence, as Lammers has explained it here, was neither in accordance with the desire of the supreme leadership nor was it suitable, with the means which had been furnished to me, to achieve more than what I have previously described as my attempts. In the field of medical research I did not have any supervisory capacity towards other societies or authorities. I believe that everybody will be able to confirm that.

Here everybody is not exactly acquainted with the conditions that prevailed in Germany during the war -- and that is also for the Prosecution -- it is very difficult to obtain a clear picture of who was really responsible.

I hope that I have succeeded in showing what actually existed behind the high-sounding title of the Office for Science and Research and that it did not have the knowledge which is ascribed to it by the Prosecution. My office was not the type of office which was able to promote the field of medical research to consumption which has been made here several times by the judge that the procedure was followed as the

Prosecution has described it. I have often asked myself if I, in my position in the year 1944, could have and should have recognized this, because I did not know about it. That I hope I have clarified through my testimony. But everything that is a subject of the accusation here, that has taken place behind the locked gates of the concentration camps. I have never found out about what went on there and if I had tried to gain insight into what was going on behind those walls, then I would not have succeeded in doing so.

It was absolutely impossible for those outside to look through them. Until the year 1945, I did not talk to any person who had ever been in a concentration camp and thus the things that happened there were hidden from me.

I regret very much that I do not have all my files available here, so that I could give still more exact and detailed information in order to give a clearer insight. However, I hope that my closer collaborators, who will appear here as witnesses, will be able to give further information which might be desired.

DR. PRIBILLA: May it please the Tribunal, I do not have any further questions.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

MR. PERELLA:

Q. I have to ask your Honor in view of the documents I did not submit before. The document is No. 177, and which will be Exhibit 155.

THE PRESIDENT: Does any of the Defense Counsel desire to cross examine the witness?

MR. TERFORD: (Counsel for the defendant Von Leeb).

Q. Professor, where did you last theoretically teach?

A. I last did it as a member of the Medical Faculty in Berlin.

Q. Were you the Dean of that Faculty?

A. Yes.

Q. Was this a close association with University?

A. No, not at all.

Q. With reference to the appointment of University as a professor, did you take part in any intervention of any party or SS or anyone, or did any such person influence the appointment in any way?

A. No, no such influence was exerted. After [illegible] had been done for about six years, he was appointed professor without an ordinary office for which in Berlin, as a professor, he was [illegible] as such before the board. He merely had additional or the [illegible] position, and then [illegible] the position of an ordinary. This was the normal way.

Q. That is, no influence was exercised by any SS or party agency?

A. No, no such influence was exerted.

Q. Do you know of any other [illegible] in any other capacity at the Medical Faculty in Berlin?

A. I had nothing [illegible] in this way.

Q. Especially the [illegible] Tibetan [illegible] during the last [illegible] about the frequency and the [illegible] of infectious [illegible] such as [illegible] infectious [illegible]. The [illegible] also common [illegible]. It is not a [illegible] in infantry [illegible]. However, it is [illegible] would be in [illegible] I think [illegible] the frequency [illegible] like under [illegible] of the [illegible].

Q. Were there any difficulties in production in the case of pneumonia?

A. Yes, whenever pneumonia occurred, the mortality was very high. That which according to the three strains of virus, so one could say it was approximately fifty percent.

Q. Under these circumstances, was the creation of a vaccine against such germs of the utmost importance to the military?

A. Of course, it was of military importance but I would say that the social and human importance was even greater.

Q. Well, in this case, it was very important?

A. Yes.

MR. MILLER: I have no further questions.

MR. MAY: (Counsel for the defendant, Fergusson, Doctor Schroeder.)

Q. Witness, you stated during the direct examination by your defense counsel in the affirmative as to certain facts, the war, and how the so-called research assignments were always

A. Yes.

Q. Did I understand you correctly when you said that the research works of the civilian institutes, attempted to receive such research assignments in order to gain added importance of their research work; that is, from material, and time aids, and personal point of view, in view of the difficulties of war. Was that my question?

A. Yes, that is true.

Q. Is it true, Witness, whether the prerequisite for the issuance of such a certificate is generally applied to, that is to say, that as a rule the research worker, himself, is under such a personal assignment?

A. I do not know that was true in most cases.

Q. Don't you, one can conclude, therefore, that the material worker, with his assignment, would continue his research work, and especially in the field in which he has an especial interest. Well, I am too [illegible] question. Was it true before the war.

A. Yes, that was true.

Q. In that case, were these research assignments, as a rule, sent to specialists in the various research fields, who had special knowledge for any individual questions which came up?

A. Yes, that is true.

Q. These research workers were experts in their fields, were they not?

A. Yes, it must be that way. I cannot imagine that a research assignment went to a person who did not know a lot about the subject.

Q. These scientists who turned these research assignments, did they have a supervisory duty over the research workers who actually did this function?

A. I do not know the regulations of that court, but I am of the opinion that the research worker is responsible for the manner in which he deals with an assignment which has been given to him.

Q. Yes, but is he really responsible? He must have been responsible to the civilian superior in charge?

A. Yes.

Q. Well, let us assume a special case, one man was the director of the Kaiser Institute and in this capacity he received a research assignment; he, of course, he would subscribe it to the name of the respective scientist, or the notice of [illegible] assigned to the lecture of the university.

A. A person in a large institute has supervisory duties over these scientists, but the director of the Kaiser Institute was subordinated to the Ministry, namely the German Ministry, the Kirchenbau Ministry, the Reich Ministry, so he did not have to be a penal responsibility.

Q. [illegible] the disciplinary responsibilities

A. I [illegible] the [illegible] military.

Q. All right. That is [illegible] questions.

DIRECT EXAMINATION

BY DR. DARER (Counsel for defendant Poppendick):

Q. Professor, you have had extensive experiences and theoretical knowledge in surgery. I should like to put to you the following questions which are in relation to treatment with hormones which Dr. Vernet was supposed to have performed on persons in the concentration camp Buchenwald. Do you know of any publications in medical literature which have something to do with the implantation of hormone crystals or hormone tablets in human beings?

A. There are a number of such publications. I remember a summary and description in a Swiss medical periodical. I think it appeared in the year of 1944. I cannot remember the name of the author at the moment. There the physiological basis and the technical execution were described.

Q. In the case of the implantation of hormone tablets were we concerned with a method which has to be taken seriously, scientifically speaking?

A. Yes.

Q. Can you say who at first introduced this method into medical practice?

A. According to my opinion this method originated from the USA. At the moment I don't know the name but if I remember correctly -- I'm afraid I don't know the name by heart any longer.

Q. If I were to give you the name, would you be able to remember then?

A. Perhaps. I don't know.

Q. Do you know the American research reporter Vest?

A. Vest, yes, that's right.

Q. Do you know that the implantation of hormones can also be described as an artificial gland in the international medical literature?

A. Yes.

Q. I ask you now as an expert on surgical questions to give your opinion about the manner in which the implantation of hormone crystals or hormone tablets was performed and about the danger which is connected with that.

A. First anaesthetics are given and on the skin of the stomach or thigh a little incision is made. Then this little tablet within which the hormone is concentrated is taken up with a little pincer and inserted into the tissue.

Then the pincer is taken out and this little opening is sewed up. But you spoke me about the danger, didn't you?

Q. Yes.

A. You cannot call it a dangerous operation, no more dangerous than any ordinary puncture, and it occurs every day in many thousands of cases, nor can you call it any more dangerous than any intramuscular injection of any drug. I don't know whether that is satisfactory.

Q. Yes, that is quite sufficient, thank you.

DR. TAUBE: I have no further questions.

DIRECT EXAMINATION

BY DR. REID (Counsel for Defendant Rose):

Q. Professor, do you know the defendant Professor Rose? And from where do you know him?

A. I know him as also as a member of the medical faculty at Berlin and, in addition, he belonged to those prominent German tropical hygienists which you can count on the fingers of your hand.

Q. Now in the clinics, did you ever speak to him about any one of the patients as laid down by the prosecution, or did you get into contact with him in any other form, directly or indirectly?

A. No, we never spoke about the case. I had hardly any relationships to tropical hygiene. Whenever we met anywhere, we merely said hello but that was all.

Q. When Professor Handloser was on the witness stand, I put a number of questions to him about the position of consulting specialist with the medical inspectorates of the individual districts. You heard the answers of Professor Handloser?

A. Yes.

Q. You yourself during a certain part of the war were consulting surgeon with the army medical inspector, weren't you?

A. Yes.

Q. In accordance with that, can you confirm in the essential parts the answers which were given to me by Professor Handloser?

A. I do not remember the exact wording any longer but I have not noticed that any wrong description was given.

Q. First of all, can you confirm it that the consulting physician with the medical inspector was in no way the superior of his expert colleagues at the intermediate instances?

A. No, certainly not.

Q. Can you confirm, moreover, that he did not have the right or the duty to exercise official supervision over any other medical experts and over any of the research assignments which they had taken over?

A. He was not the superior and in accordance with the testimony of Gen. Hirst Partlohn it can be seen that he had no official supervision whatsoever. He had his own superior. In that case it was the inspector, and it was his duty to advise him but that was all.

DR. FRITZ: Thank you. I have no further questions.

THE PRESIDENT: Is there any further cross-examination of this witness by defense counsel? There being none, the prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. MCHALEY:

Q. Herr Professor, there will be occasions during the examination when you will feel that you have already answered the question, and I will ask you not just with an "yes" or "no" for two reasons. Firstly, the interpretation of your statements in direct examination of course was not as lucid as the statements you made in German; secondly, neither I nor the Tribunal have had an opportunity to read the transcript of yesterday's interrogation by your own defense counsel.

Firstly, I would like to put a few questions to you in relation to the [illegible] of Dr. Herr, defense counsel for Schroeder. You were one of the medical faculty in Berlin University, were you not?

A. Yes, that is correct.

Q. And the defendants Schroeder and Gebhardt were also members of the medical faculty of the Berlin University, were they not?

A. Yes.

Q. You do not for that reason take the responsibility for the activities of Rose and Krugowsky, do you?

A. No, not at all.

Q. And if Rose and Krugowsky were assigned experimental research tasks by one of the other branches of the Wehrmacht, it's not your responsibility how they carried out those research tasks, is it?

A. No. If one could speak about any responsibility of a dean, it could only refer to the lecturing activities of those gentlemen; that is, with reference to whatever he read during his lecture. But I must honestly say I have no information at all about the penal, legal side of this matter. Such a thing like that never occurred during my three years activity as a dean. So I cannot imagine that a dean who has about 270 lecturers under him in Berlin should be responsible for every word and every deed which any one of these 270 gentlemen may have spoken or done during their activities. I cannot imagine that.

Q. Here or Fischer, you continued this lecture which you gave to the consulting physicians on the chemo-therapeutic treatment of wound infections. You gave that lecture at the meeting of May 1942, did you not?

A. Yes, that is correct.

Q. You were considered a nothing of an expert in this field, weren't you?

A. As far as a surgeon can be an expert about/any treatment of wounds.

Q. Do you swear that you had no contact with Gebhardt or any of his associates concerning the sulfanilamide experiments experiments carried out in relation to the meeting in May 1942?

A. I heard about these experiments for the first time when Gebhardt and Fischer spoke and held that lecture during that meeting in 1942.

Q. It was clear from Gebhardt's and Fischer's speeches, was it not, that the experiments had been conducted by artificially infecting the experimental subjects?

A. Yes.

Q. How many subjects were used for these experiments? Could you [illegible]

from the report by Gebhardt and Fischer?

A. In my opinion that did not become known.

Q. Weren't the number of the experiments which were carried out important in evaluating the validity of the conclusions reached?

A. As far as I remember, percentages were given.

Q. Well, Herr Professor, you can give a percentage of six people used; you can give a percentage of sixty people used. I put it to you that it seems to me, a layman, that it is a matter of critical importance as to the validity of a conclusion reached by a series of experiments to know how many experiments were carried out. Isn't that true?

A. Yes, that is correct in itself, but unfortunately in German Medical Literature the inaccuracy was customary, namely that percentages were laid down even if the entire total figure is very small. The endeavor to speak of percentages only when the total figure is 100 or over a hundred, and otherwise express these figures in fractions, that is 1/2 or 1/3, etc., unfortunately never got through and from my own memory I can only say that I, at least after that lecture, was of the impression that we were concerned with relatively few experiments, that is not to make a figure, perhaps twenty or so, without laying down an exact number.

Q. Well, let's take your figure twenty, since you mentioned it, how reliable do you think your conclusion would be in the sulfonalamide experiments, where they used only twenty subjects, some had to be kept for control, some of the number were injected with gas gangrene and some of the others were infected with something else, how short it? What would the conclusion be from an experiment limited to twenty persons, inducement?

A. Naturally, the experiments numbering small figures are not as valid as those with a large number of people, but as I said, I didn't say that only twenty people were mentioned. The case was that I said the impression that this was somewhere around that figure, whether this was actually too high or not, I don't know.

Q. You remember Handloser testified that you helped re-write the medical instructions for surgery as a result of this meeting in May, 1943, is that right?

A. I didn't quite understand the question, if I may repeat, I heard that after the lecture some such directives were worked out, and that prior to this, we would you please repeat it?

Q. Well that is the crux of it. After these reports were made it was part of your job and the other consulting physicians in the surgery group to work out medical instructions which would be issued and passed down to the doctors working in the field, and General Handloser testified

that is not the purpose of these meetings, and that in fact every surgeon of the Surgery meeting in May 1943 helped to write those medical instructions for that year, and I am asking you if that is correct?

A. This is how the situation was. If a number of lectures were held about sulfonilamide, not only Schmidt and Fischer held lectures, but I mean the pathologists and neurologists spoke, there was a surgeon who spoke, and there were some pharmacologists, and all of those lectures, which I think took about a half a day, had to be summarized to one page, and the outlines had to be repeated. This thing was organized and this was done immediately after the lecture, and special periods of the following day were designated for that purpose, when all participants of the surgeon meeting met together and then conferred upon the subjects of the meeting. This is how it was. Discussions were held and changes were executed. Someone dealt with it I dictated in the presence of these gentlemen these notes to a Secretary into her machine, so that all of the gentlemen were in a position to listen to exactly what was laid down as general directive. That is something that you would call during a scientific congress, the creation of a summary or resume.

Q. I think we are in substantial agreement, but it is correct, isn't it, you were not engaged in some sort of academic pursuit at these meetings? You were really trying to work up directives in order that the front line doctors would be advised as how to treat troops, isn't that right?

A. No, that we tried to do was to work out a scientific result of the lectures that were held and the discussion that followed it. Subsequently that was incorporated into the medical directives and the [illegible] of the medical corps. That was not our affair, for all of us be[illegible] military officers. We were directors of clinics, etc., we were only in the Army in a reserve capacity, and our influence with reference to the medical soldiers [illegible] to be taken were only with reference to the [illegible] of the medical directives.

Q. Well, in order to do that, professor, you had to evaluate these

reports, didn't you?

A. I've seen the reports of the lectures that were held during the meeting?

Q. Yes.

A. Yes.

Q. All right, wasn't it necessary to find out all the details of Gebhardt's experiments if they were to be properly evaluated, so that any action the army Medical Inspectorate or one of the other branches carried out on those experiments, would be reliable?

Q. I have already said that the Gebhardt lecture was only the first of all the lectures held in this connection. If I remember correctly, the result was that with reference to ordinary wounds, the effect of sulfonilamide was to be considered doubtful, but that only with reference to ordinary wounds, the effect of sulfonilamide was to be considered doubtful, but that only with reference to a few gangrene viruses a certain effect could be determined.

Q. Yes, Mr Losier, don't let's quibble around the edges here. I let's say about Gebhardt's lectures took up 1/5th of the meeting or 1/6th of the meeting, but if I understand it correctly, it seems to me proper to know exactly what happened in his experiments if you were to evaluate them in any sort of scientific manner. You had to know how many people he experimented on, precisely what infections were confined in the people, where they were developed and how dangerous the infections were and what treatment he gave and how he put the sulfonilamide in the wound, in what form the sulfonilamide was, whether powder or solid, or whether they took it orally, a thousand questions which you couldn't know to know if you were to have any chance you could evaluate Gebhardt's experiments. Didn't you inquire into all of those details?

A. It was necessary to consider about these details. [illegible], if I'm not mistaken, was demonstrated in the way of curves that sulfonilamide was injected into the wound in the form of a powder or any other form, is of such great importance. It is important, whether

In addition to the local treatment of the wound, sulfanilamide preparations are being taken orally, or are being injected. In any case Gebhardt, according to my opinion, followed the results of his experiments in very clear fashion.

Q. But you didn't inquire and you do not know how many experimental subjects were used?

A. No, I don't know the number.

Q. And you didn't learn of the sex of the experimental subjects?

A. No, I said yesterday that there was never any mention made that there were Polish women.

Q. I suppose it makes no medical difference whether experimental subjects were men or women?

A. No, with reference to the treatment of wounds it makes no difference.

Q. Suppose you had learned that over fifty persons were being used in these experiments, it would not have seemed strange to you that women and that many people succumbed to death all at the same place in experiment 4.

A. I already said that at that time I was of too conversation this was a very large figure. I don't even know today how many there were.

Q. I am asking you to suppose that you knew they had used fifty, and I ask you if under that hypothetical situation it wouldn't have occurred to the meeting to ask yourself how in the work Gebhardt got fifty people condemned to death all in the same place to experiment on?

A. At first I didn't know it was all in the same place. Gebhardt said nothing about the place and, as I said before, the question, as you said, is hypothetical. What would I have done if. Such questions, I beg you to excuse me — I am not a lawyer, are very hard to answer. That is a question of opinion but not a fact which has to be testified to under oath.

Q. Well, Professor, it may be that you are correct but I have the intention of putting several more hypothetical questions to you which, I think, are quite valid and I have sufficient reasons for doing that, and while you may find the difficult to answer I would appreciate your best efforts to do so. Now, weren't you really under the impression that these experiments had all been carried out in the same place? Wouldn't it be ridiculous to think that Gebhardt travelled around from one prison to another working on one person here and two there.

A. I must say quite openly at that time I did not have any thoughts about this, so only, local question.

Q. Suppose it had been told you at the meeting that these experimented subjects were women. Would that have disturbed you a little bit or not?

A. It wouldn't have been so comfortable but what I thought myself at the time with reference to the question of people who were condemned to death was the possibility of bringing about a chance for their life. I testified to that yesterday.

Q. We will come to that in a moment. Now, let us suppose that at this meeting in May 1943 you knew all the facts, as you now know them, concerning the alleged experiments of Gebhardt. What would you have done under those circumstances?

A. The way I imagined it to be was an examination of sulfanilamide and how it should be continued to be examined as I said yesterday. In my opinion it was the which I thought this matter to be dealt with was the correct one.

Q. I assume that that if you had known in March 1943 that in fact Gebhardt had experimented on over fifty Polish women who stated they had not in fact be

tried by any German court; that they had resisted those experiments and not consented to them; that at least three of them, by Gebhardt's own admission, had died as a result of the experiments; that, according to those girls' testimony, five died as a result and six were shot later; that as a result of the experiments one woman had the shin bone cut down so there was left less than one-quarter inch of bone, that she was forced to walk on that leg before it was healed and that it broke again; that all the women sustained horrible and painful leg scars - am I to understand you would have raised some objection to that at this meeting?

A. What you are saying now was not known to all of us. We knew that infections were made — we heard in a certain percentage of cases infections were stopped. Everything else you have just said was not known to any of the participants in this meeting. We had been told that the legal foundation of the action was clarified and done with. We had no reason at all to doubt the statement or the other statement of Gebhardt.

Q. Very well, Professor. We are willing to assume for the moment that you didn't know. But, you see, the question we put to you is of some importance because Prosecution is taking the position that you did know, or should have known or to assert the contrary. But, quite aside from that point I am interested in knowing what you would have done if you had known, which is also an important question in this case. I know that you say you were told these things but I want you to assume that you did know them — that Gebhardt came there and told you the whole story and he marched those five Polish women across the stage before the consulting physician you saw them yourself. I want to know what you would have done under these circumstances?

DR. SEIDL (for the defendants Gebhardt, Oberhauser, and Fischer): I object to this question for the following reasons: This question does not refer to a fact, neither to the external fact nor to the internal fact. Evidently this question is directed to a hypothetical conclusion which is to have a legal character here and by the witness. Questions to a witness can only be admitted in so far as they refer to facts and not to subjected policing of opinions and conclusions of laws, which the witness has to consider with reference to events and this is something that has to be designated as fictitious. I, therefore,

ask you not to admit this question.

DR. MARLEY: If the Tribunal please, I think everyone understands we put a hypothetical question, that we are calling on the witness to assume certain facts have been here proved and that they did take place. Those are all of course disputed questions but I am trying to elicit from the witness a statement as to what he would have done in the situation I posed to him, and I submit that is important.

Prosecution takes the stand that he did know or should have known. In addition the Tribunal takes Prosecution's position with respect to that I think it important to know what this defendant feels he should have done. In that situation does he feel that he was doing his duty to object, does he feel that it was incumbent on him to go to Handloser, for example, who was not the commander but at least the man in charge of the Military Medical Academy where the subject was taken and make a report to him? I think those are important questions and the only way I can possibly elicit an answer is to call upon the witness to assume that he did know the facts as I have hypothetically put them to him. Of course, we are not asking that any of the defendants be bound by those hypothetical conditions as I give it.

DR. PAUCULLA: Mr President, as defense counsel of the defendant Rombach I would only like to point out that this question in its core involves a statement about a co-defendant and that is a very difficult situation in which the witness is, that is when you ask him -- you demand him -- to give judgment about my co-defendant.

THE PRESIDENT: The Tribunal will recess until 1:30 o'clock and then rule on the objection.

1947

[illegible]

[illegible] 1.

[illegible]

(The [illegible] recommended on 1330 hours, 21 February 1947.)

[illegible] Persons in the courtroom will please rise [illegible].

The Tribunal is again in session.

[illegible] (Counsel for the Defendant Oberhauser): May it please the Tribunal, Defendant Oberhauser, in view of her physical condition, requests that she be excused from the [illegible] session. A certificate of the prison physician will be submitted.

[illegible] THE PRESIDENT: The certificate [illegible] provided in the prison [illegible] Defendant [illegible] will be excused from attendance at the time of the afternoon recess. It will be [illegible] of the Tribunal that Defendant's [illegible] be made a [illegible] part of [illegible] from the court. The [illegible] will be [illegible] Defendant's [illegible].

[illegible] Interpreter's [illegible] counsel to the [illegible] [illegible] of the proceedings be [illegible].

[illegible]

(Adjourned [illegible] hours.)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] SS [illegible]

[illegible]

[illegible] SS?

A. [illegible]

[illegible]

A. [illegible]

[illegible]

[illegible]

[illegible]

A. [illegible] Dijkstra [illegible]

[illegible]

[illegible] are [illegible] to [illegible], [illegible], [illegible] they brought the [illegible] [illegible] the challenge for the [illegible] [illegible]?

A. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

CROSS-EXAMINATION:

Q Professor, does it satisfy your sense of legal ethics to make a deal with a criminal condemned to death that he will be pardoned if he under goes a dangerous or [illegible] and survives?

A I have already stated that if I was to be in the position of the criminal, I certainly would take that chance, but if I was the physician, I would refuse; I would refuse to carry out such an experiment. That is my private opinion.

Q I understand, Doctor. Now, can you tell us in any more detail just exactly what Gebhardt and Fischer said at this meeting; I would like for you to cover the presentation of the curves that you have already mentioned; tell us how they curved, what the curves showed, etc.

A I really cannot tell you that; I don't remember that anymore. We are called to hear so many lectures, conferences and meetings and there are quite a number of conferences every year, but it is absolutely impossible to remember exactly or absolutely that I could testify to that here. I am unable to do that.

Q Do you recall whether or not he or any person on Blood Level Data, that is, that the oxygen level, at the time they were using anesthetics?

A No, that was not. If you [illegible] anesthetics were [illegible] after [illegible] but I don't know [illegible] (A 304).

Q As I recall in your testimony yesterday, you stated that Gebhardt did not [illegible] anything; is that right?

A [illegible] that; that question was [illegible].

Q Well, [illegible] any letter other than those [illegible]; [illegible] Gebhardt or Fischer or any other [illegible] the [illegible] experiments?

A. Yes, I remember that this lecture about muscle and nerve rejuvenation dealt with the fact that the part of the muscle had to rejuvenated, as in the case of the children clinics, from their nerves which had been rejuvenated. That was a field in which Dr. Gebhardt had published quite a large number of articles in recent time by the rejuvenation of paralysed nerves after cases of infantile paralysis. At the time I had Dr. Lagrossich that whatever was presented was the result of all of this study, however, I have never talked about it with Gebhardt. I believe it was called nerve plastics, but I did not ever hotly argue about it.

Q. Now, at the best of your recollection Gebhardt did not speak on this subject in the of 1945?

A. In May, 1945 a lecture was given on it rejuvenation of nerves as after the removal of nerves; it was made by Kuntler. Dr. Gebhardt may have made an introductory remark, but Kuntler gave the lecture.

Q. And there was a lecture at that time concerning the use of [illegible] in a manner similar to the [illegible] experiments in which Gebhardt participated?

A. Yes, I think there was one on it.

Q. I understand you to say [illegible] and again before that in 1942 you had [illegible] been [illegible] on [illegible] the use of [illegible] pursuit in that matter?

A. Yes, I had discussed that.

Q. Now you say, to [illegible] your experiments on [illegible] soldiers?

A. The primary interest that we [illegible], but we [illegible] treated, [illegible] in order [illegible] to rehabilitate [illegible] to be [illegible]. The subject of [illegible] was to be reserved and [illegible] [illegible] that [illegible] is not an orthopedist.

Q. [illegible] the effects of [illegible] and [illegible] in that matter.

A. [illegible]

Q. And in your opinion, as a medical expert, would the results you derived from that kind of testing sulfadiazine have been quite satisfactory?

A. The series of observations that are made, what the outcome will be no one can possibly know; that is to say I would have treated a number of injured persons and afterwards I would have published the results, but if then the answer to the question would have been found if a drug should be tested with sulfadiazine or not, I cannot have that chance of time, because if I saw that, I would not have had to ask the consideration.

Q. I probably did not make myself clear, let me repeat the question more directly. In your opinion, would the results which you hoped to obtain by testing sulfadiazine in wound infections of soldiers have produced scientific results as valid as those obtained by Gebhardt in the course of his experiments?

Part I

1. [illegible] in [illegible] places in the world. [illegible] in India is never [illegible] only when the results of [illegible] have been [illegible], or it has been [illegible] other place, [illegible] speak of it [illegible] better. Whatever the individual scientist achieves, [illegible] fact is a stone in the whole pattern of stress, but [illegible] cannot claim that it was the foundation stone. This [illegible] pollution of many [illegible] in various different places, [illegible] illustrations.

2. Well, [illegible] thought [illegible] slightly [illegible], [illegible] results observed [illegible] Bohr's [illegible] mentioned.

3. Of course, [illegible] considerations, which either [illegible] carried [illegible] mechanical [illegible], that they would have been [illegible], [illegible] criticism with [illegible], it has [illegible].

Furthermore, [illegible] posterity, [illegible] symbolised [illegible] discover [illegible] if it [illegible] in [illegible] other [illegible].

[illegible], I can [illegible] subject in [illegible]. [illegible] kills the bacteria [illegible]. [illegible] in the vicinity [illegible] always come [illegible] horn [illegible]. [illegible] material [illegible] [illegible] but it is

[illegible] very best in [illegible] ctari [illegible] of the [illegible] defective [illegible] in the human [illegible] is [illegible] in [illegible] in your home.

[illegible] is clear [illegible] is clarified as I have [illegible] clarification of this [illegible] the class.

[illegible]

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[illegible]

[illegible]

[illegible]

Q And I think you told us this morning about [illegible]. Could you repeat briefly just how well you knew [illegible] and what contact you had with him?

A I did not know him well at all. I know from the faculty list that there was a lecturer of [illegible] by the name of [illegible], and I must have [illegible]. When the request came for [illegible] of this university to appoint him as a [illegible] professor, then I [illegible] I perhaps talked with him [illegible] I [illegible] that the [illegible], I was informed about it at the [illegible] meeting of the [illegible], and I have signed the request to [illegible] for the faculty. [illegible] but I cannot say that with certainty, [illegible] at all.

Q Did you attend the meeting of consulting physicians [illegible] 1942?

A 1942? Yes, I probably was there.

Q Did you hear the talk [illegible] 1942?

A [illegible] in the [illegible] department, [illegible] in the [illegible] department, [illegible] but I attended [illegible] meeting.

Q [illegible]?

A [illegible] individually. [illegible] 24 hours [illegible] did not [illegible].

Q [illegible] in this [illegible]?

A [illegible].

Q [illegible] your [illegible] office [illegible], is that right?

[illegible] did not have any contact. I was not a member of the Reich Research Council, and I was never tried or [illegible] research assignment in the Reich Research Council. Of course, I know Dr. Hindback, who was the head of [illegible], but of course I do not know if you can describe that as a contact.

[illegible] Dr. Hindback's allegation that providing a special [illegible] the High Reserve Council early in 1944, is that correct?

A. I do not remember the exact time anymore, but I think that it was [illegible] beginning of 1944. It may also have been at the end of 1943, but I do not remember the date or exactly anymore.

[illegible] connection Feuchtinger by virtue of this position [illegible] conversation which ever within the framework of the Reich Research Council?

A. I have already stated I did not [illegible] anything on behalf of the Reich Research Council, but in this meeting's about a [illegible] given an example [illegible] the Reich Research Council.

Q. Well then, on that subject I've other only three questions [illegible] in connection with the Reich Research Council. Finally, with respect to your meeting on [illegible] which you [illegible] within the Reich Research Council?

A. [illegible] three points: [illegible] conducted with the Reich Research Council, firstly, that they belonged to the research [illegible] dealing with [illegible] in connection with the Luftwaffe [illegible], for this reason [illegible] the production figures in the electric industry [illegible] were based [illegible] figures.

[illegible] and secondly, that you were [illegible] in charge of the production of [illegible] electrical [illegible]?

A. [illegible] the [illegible] electrical [illegible], and I [illegible] the [illegible] to complete the work.

Q. Thirdly, you've [illegible] that the [illegible] in connection with the Reich Research Council?

[illegible]

Q. Now, I think, in the last [illegible] we spoke of field trips to [illegible] the research establishments.

A. [illegible] the research establishments that were in existence at that [illegible] of time and presumably [illegible] this morning?

A. Yes, there were three of them.

Q. Well then, there was a [illegible] context. I'm still recall that [illegible] the Field Research Council [illegible] you in your capacity [illegible] I've seen and [illegible] the Field Research Council [illegible]

A. [illegible], I [illegible] clearly. [illegible] the Field Research Council [illegible] the regular [illegible] in view of [illegible] difficult [illegible] Field Research Council [illegible] three [illegible].

Q. [illegible] the jurisdiction [illegible]

A. [illegible] 1944. [illegible] exactly [illegible] the place, [illegible]

[illegible]

Q. [illegible] of [illegible]

A. [illegible]

Q. [illegible] Research Council [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

[illegible]

Q. Did you ask the British Research Council to tell you who they had working on special assignments in these urgent fields?

A. No, I stated that the card index filed with respect to research was just being started. The British Research Council had answered my question and had sent us some lists.

Q. Well, what was decided at these two conferences?

A. I have already stated yesterday or today that we agreed on what field should be given the most priority. There may have been a dozen or three or four more.

Q. Well, let's mention a few of them. I am interested in what fields you regard as being urgent.

A. It's too difficult to discuss or give an opinion about that under oath and it is especially difficult for me because I do not have a single piece of paper to support myself on. I have not had the possibility to confront myself or to discuss this question with one of my collaborators and I understand my oath in such a way that I can only testify about something which I know with the utmost exactitude and in this way I have answered the question yesterday, that I consider that it is probably that the Chemical Warfare Activities were included in the list. I also say that today and under the same prerequisite I can name the insecticide, the combatting of epidemics and similar matters. All of these things, I believe were included in the list but if you ask me today under oath that I am to name these twelve fields to you, then I must say under this condition I am unable to do so. If I could consult with my collaborators I certainly would be able to give you these things in detail.

Q. Well, you have mentioned Chemical Warfare and combatting of epidemics which, I assume, includes research on typhus vaccine?

A. I do not believe that it was late in the war especially but we said typhus, typhoid and diptheria, etc., so it isn't especially probable and just stated the question of epidemics.

Q. All right: you decided in this conference that this or that field needed greater research and priorities to a certain field. What did you do then? Did you take any further action?

A. May I ask you -- did I hear clearly that I decided it?

Q. Well, Doctor, you decided it along with others; Schreiber and Breuer I think you mentioned, and some other gentlemen. I suppose you reached an agreement as a decision was made and you participated in the decision. Now, I am asking you if it was decided what fields were important and urgent. What did you do then?

A. After this list had been compiled I wrote to the Ministry for Armament that under special consideration of the war conditions we would also consider research in these fields as important for the continuation of the war and that in the technical term of this kind. We considered it as being of decisive influence in this respect. I must say that this was decided for the war. It is also an administrative term. I do not believe that any such research in any field would have had any decisive influence on the way in any other way but it was only a term which was used in administrative work.

Q. I am curious to know, professor, how you can decide whether this or that field of research is urgent without being familiar as to what men you are working with in that field and what they are doing with respect to it.

A. That wasn't the important factor. The important factor was to maintain the possibility that work could be continued in any field.

Q. Didn't you make any inquiry at all as to who was working in those fields whether or not that men were doing anything to produce anything worthwhile?

A. The decision about it, if something was valuable or not, this was otherwise decided with the other committee. That is to say, when we had compiled this it was as important then it was really the branch head and the Commissioner of the Reich Research Council now to say from the list I have for, I still now cross out a certain number of research assignments but then let us consider the way this would be done in practice; the head of the branch had only crossed out the financial support which was given but nobody could prevent him from further working himself in that field. That would be the same thing if I was to tell somebody who was in Sant Sara, you are not allowed from now to think about this or that subject any more. And I do not think that anybody could consider such a study as that to be anything of that kind.

Q. Well, professor, I think you can push the other point a little too far. Now, as a matter of fact, if the gun laws at Strassburg and Nitzweiler weren't

getting money from the Airforce or from the Reich Research Council to carry on his typhus research the chances are he is just going to have to quit carrying them on, isn't it, doctor?

A. No. First of all this was not in the field of my competence. I was not allowed to permit it or prohibit it. Now, let us take a concrete case; Hagen had a certain such assignment with such and such a number and it was filed about typhus research. The head of the branch could have had him sent a notification from that and that would mean you will not receive your monthly financial support any more. Then this would have had the result that Hagen would have had to dismiss an assistant or collaborator because he could not have continued to pay him any more but after all, a research assignment did not have any other consequence and continue on with this experiment. The possibility to tell Hagen, you are not allowed to do anything any more in the Concentration Camp of Natzweiler, that wasn't the authority of the Branch head of the Reich Research Council and the Medical Inspector of the Luftwaffe did not have that authority either but as far as I know that the only man who had that authority and decided that a man was to enter a concentration camp or not that was, in my opinion, the responsibility of the individual physician and I assume it was correct.

Q. Well, I don't want to pursue this too far, professor, but if the Luftwaffe sent an order down to Hagen, who was a consulting hygienist, and said you shall quit working on yellow fever vaccine because it looks like the German Wehrmacht is not going to get into West Africa but we are very much concerned about typhus problem in the East, you will devote your efforts to typhus vaccine research, I suggest to you that Hagen would start working on typhus vaccine.

A. He probably would have but that — I do not know that.

Q. And as a matter of fact, if the Reich Research Council were subsidizing Hagen for yellow fever experiments carried out on inmates of the Natzweiler Concentration Camp and they decided that that was no longer necessary in 1943 because it looks as if you were going to need the yellow fever vaccine and I'm further given you my money, only for working on a typhus vaccine, don't you think as a practical matter that Dr. Hagen would work on typhus?

A. Well, that may be the case but I am not of the opinion that the man in the Reich Research Council, who gave Hagen the assignment to work on typhus, that this man would have told Hagen in the very words, that you are going to work in such and such a concentration camp and I assume today that that was the case. I believe that Hagen turned to the Reich Research Council and said the following; --this is, of course, a hypothetical assumption on my part. I do not know what Hagen said but I believe that he said the following: "I would like to work on a new typhus vaccine; please give me a research assignment and support my work", but I will never believe that Hagen told the Reich Research Council or one of the men there: "I would like to infect people with typhus in Concentration Camp Natzweiler." Of course, I have to assume that this has taken place at all. I cannot say that but my personal opinion is that such negotiations actually never took place.

Q. Well, Professor, if it is any consolation to you, I rather doubt that Dr. Hagen would be that indelicate myself. If you decided in the first meeting with Schreiber and Brauer in 1944 that twelve fields of special research were urgent, for what reason did you hold the second meeting?

A. We had not clarified this matter completely. The first session was a preliminary one, because I had heard through other ways that the ministry for armaments had made some plans, had intended to do something, but afterwards we received instructions, not in order, and then we had to occupy ourselves with those concrete questions once more.

Q. We will return to this point a little later, but for clarity, let's start at the beginning of your position in the Office for Science and Research. How frequent was your contact with Karl Brandt after September 1943?

A. Very varied. It may have been once per week or several times per week.

Q. Where was Brandt's office located?

A. First of all, it was located in the clinic, and then the office which he had contained in the Reich Chancellery and then again at Stolitz.

Q. Well, he maintained throughout the period from '43 until the end of the war an office in the University Clinic, didn't he?

A. He had his office there, yes.

Q. And where was your office located with respect to his?

A. It was located in the same clinic.

Q. In the same building?

A. Yes, in the same building.

Q. How close was the office physically within the building?

A. Between the two offices there was one waiting room and two writing rooms.

Q. But physically, very close together? Is that right?

A. Yes.

Q. You spent most of your time in the office at Sachsenhausen,

didn't you? That is, the office in the clinic?

A. Yes.

Q. Now, I am not quite clear on the purpose for which the Office for Science and Research was created. What was the fundamental concept which gave rise to this office?

A. I gave the exact reasons for that yesterday.

Q. However, as I told you before I began my questioning, there would necessarily be a bit of repetition in this, for which we are all sorry, but in order that the picture is perfectly clear to me and the Tribunal, I think it is necessary that we have a little of this repetition, so will you tell me again what was the basic purpose of this Office for Science and Research?

A. I was trying to help German science, as I stated yesterday. It was treated in an important part, namely, in the research that was carried out by these scientists of higher learning. It was encountered with regard to the possibility of carrying out research, in its literature and also the foreign literature. This was the complex.

The other complex was that Germany needed a remedy for the economic position, which is really one quite a lot of work. If I only mention one example in that sector, then that was only one example, but there were quite a number of these examples. This was very difficult. You can imagine that if you want to change the chemical industry to reduce the production of synthetics, a lot of individuals felt themselves hurt, and Germany was trying to bring this matter from the clinical point of view as well as possible.

Q. Was not the basic principle that the coordination, as it was in these reports?

A. The coordination, as I have already explained several times now — that always was caused by the bad economic situation.

Q. Didn't it go a bit further than the economic situation? Weren't you concerned with the coordination of research itself?

A. No. I have already stated that for us the most important thing was to maintain the fundamental questions of research. Basic research will always be carried out, as a side product. It will not need any support, but the factor in which Germany had been great so far was about to be destroyed, systematic, unlimited research. I believe that it was in the interest of army men to maintain this work.

Q. But you never in the course of your activities with this office exercised control over research in the sense that duplication in special research or basic research would be eliminated, to the end of more effective use of personnel and material?

A. No, I did not do that. I failed to do so for the following reasons: First of all, I considered it as something good when several people were working on the same project. That is the basis. It was not simple and still is not simple to make this situation clear to bureaucrats in the ministries. Therefore, I have actually never intervened. Therefore, if from the ministry for armaments -- This is certain hypothetical deduction on my part -- If I had been told, "Don't you see that in this place or such a place the same thing is being done?", then I probably would have I had for reasons in order to be able to explain why it was necessary that both places engage in the same kind of work. That is the way I would have approached the problem. I would not have stood, "I have something to say here, and I am going to prohibit, and all this no place is allowed to do this work".

I believe that it is necessary throughout the world in order to achieve a goal that sometimes not the totally straight ways be followed. Very frequently you can get further if you make a small deviation to the right or the left.

Q. Surely in theory, I am not inclined to disagree with what you have said. It seems reasonable enough, but I did put it to you that it was apparently some sort of a principle to separate as many researchers in the same field, to bring them together, study the work being done by the group and make a clear-cut research group out of them. Did you

never have that idea or use your influence in that direction?

A. I have carried out the idea, as I have already told you, in certain discussions where scientists who were working in the same field of research were brought together and where they had to listen to lectures, who then had personal discussions and were able to discuss all those problems. Therefore, in order to further a problem, I would put two scientists together who were working in the same field of research, but I would consider it as an absolute mistake to tell one, "You can not work on this problem because another person is doing it," and I have never had the possibility, and I have never had myself informed at some institutions where such and such a professor is doing at that institution. First of all, that is not done with scientisions. I would not consider this as honorable.

Furthermore, I would like to say, just where am I supposed to have taken the time to do this. If I take a very small university, let us call it Abhausen, if I wanted to obtain information as to what work was being done at that university, then I believe that four weeks would not have been sufficient for me to do that. How should I be able to do that, besides all my other activities? That would have been practically impossible. I believe that there is a somewhat wrong idea about the amount of work that a man can do, especially with regard to the conditions that prevailed in Germany in 1944. I don't know how conditions are now but then it took two days for us to go from Berlin to Munich, and perhaps it may be that things are even worse today; I don't know.

Q. That is very possible. Sir Professor, did you ever undertake to coordinate with scientists working in the special research field, such as chemical warfare?

A. Yes.

Q. If you had been a member you heard of these names mentioned, I dare say, you know the. You heard of Professor Hirt, and you heard the name Bickenbach?

A. Hirt, yes of course, he was known to us because of the consult[illegible] of the pathologist with the Army Medical Inspectorate.

Q. Let's take the name of Hirt.

A. Yes, Bickenbach and Hirth. Let's take Hirt who was at Strasbourg, who we have carried out the Lost experiments, that I did not even know, yet I should hesitate to say anything about a person who is dead, but I have all reason that the Professor Hirt, was in the field of conducting chemical warfare agent. I did not read the results which he produced are very interesting, because that is explained in his report and you could read. So I did not tell anything new to my prosecutor or my examiner. Bickenbach is a report made of a certain production for the Air Force appropriate to the case of injury. Some new facts which even most of the lawyers know in Germany today, are not [illegible] are needed in order to find them out. If Bickenbach and Hirt knew each other, I don't know.

Q. In any event, you never made an effort to bring them together?

A. I never tried that, no.

Q. You recall that you did not know the name of August Hirt in the period of 1943 to 1945?

A. Of course I knew the Professor Hirt, the name of the Hirt who was working at Strasbourg. That August was his first name, I don't know.

Q. Did you know he was working in the field of chemical warfare?

A. No, I did not know that.

Q. Do you recall that Professor Bickenbach, of his experiments in mustard gas which took place at Natzweiler, they all took way from Spain, if I recall. What do you know about Bickenbach?

A. Of Buchenbach I know that he was not in turn a professor at Strassburg, that he had been sent by the former chief Stein from Heidelberg to Strassburg, and I was interested in him. That there was a cyclotron at Strassburg, which was under the care of Stein, and another physicist, [illegible] there was I don't know, and, since in the field of isotopes I was particularly interested, that is the reason I was thing of Strassburg. I've forgot that there was another one in Germany I only found out in later period of time.

Q. There had been some publicity [illegible] by the defendant Brandt that Buchenbach was working on the cyclotron. Do you know about that?

A. I do not know anything, I'll find out it.

Q. You said something about your jurisdiction over reports and [illegible] limited to Brandt's special tasks, is that right?

A. Yes.

Q. I take it then that inasmuch as Brandt's office undertook the work, [illegible] evidence and research for December 1943, that you were informed, is that right?

A. Well, for example, as to the chemical warfare matter I was not informed. If I remember correctly Brandt had testified about it.

Q. He testified to some extent about it, but he did not develop it yourself. He did, and it seems to be clear, that if Brandt undertook a task in the field of science and research at the time you did not [illegible] about it, inasmuch as your power was derived from Dr. Brandt. [illegible] contained in the September 1943 order. That office of science and research was set up by Brandt. Do I get it to you, that you must have had information from Brandt's work in science and research, and that by virtue of your job, is that right?

A. No, that is a mistake. I did not have to deal with everything that deals with science and research. [illegible] specific [illegible], or Brandt has testified to [illegible] of other [illegible] that you [illegible] in 1943, and as to [illegible] of chemical warfare [illegible] in this connection that this order for secrecy,

which my defense counsel has presented I believe as Exhibit 3, it is clearly indicated that information was only to be passed on to another person if it was necessary for him to know it, and, if a person had the assignment to work in one field here, then he was not allowed to pass on the information which he had to the other person, even if that person was located in the next room.

Q. It is quite true, [illegible] I see that secrecy [illegible] is a [illegible] document by the defense. Suppose you want to receive a report on scientific research, would it be passed on to you?

A. Not necessarily. [illegible] a report of Hirt which had been mentioned, it was given to [illegible] and I never received it. I have read it here for the first time.

Q. Although you [illegible] chemical warfare research as being [illegible], you never saw a report [illegible] research?

A. At the moment I can't [illegible], but I do not know the [illegible] this report. [illegible] may have been submitted. It is possible that it was submitted [illegible], but I do not remember the [illegible]. I did not receive the report.

Q. Did you ever receive any [illegible] report?

A. [illegible] every half year I received this [illegible]. [illegible] it may have [illegible], but I [illegible] today. I believe [illegible]. I don't [illegible] in 1944. I believe [illegible] concentrati [illegible].

Q. [illegible], you [illegible]. Did you ever receive any [illegible] Council?

A. It is quite possible. However, I would like you to consider that I must make my defense here without having any documents to refresh it on, without having spoken to any of my collaborators for a period of two years. Therefore, it can perhaps be understood that I am not remember my details to at a minor matter which occurred about three years ago, that I should still remember it exactly at this time, in order to be able to testify to that fact under oath. But the fact, if I have to make a statement in such a way that the same prosecutor confronts me, or some other prosecutor, to tell me I have committed perjury, then these details I am not remember.

Q. Mr. Gallagher, you can rest assured that I am not going to try to trap you or trip you up with any petty contradictions, but, if I should have an opportunity, I may be able sure that the Tribunal will not be influenced by it. Did you remember whether you received training activities which was research problem report?

A. That is quite possible, that my name will be the one, but if you show me the report, and if you show me the report, I would be able to say, whether I put it in it.

Q. I take it that you did not actually be interested in a chemical research problem, or did you actually work on it. Did you have any knowledge as to the research?

A. My interests naturally lied elsewhere for the most part in medical problems, and I did not concern to it. If you may be have in mind I have said you that I was in close daily correspondence with Dr. Gilman, I would himself with the formula in his research work on the penicillin, because I did not have the penicillin [illegible] Staff in the [illegible] so that had to [illegible] the [illegible], [illegible] interest, [illegible] [illegible] several [illegible], [illegible] [illegible], [illegible] [illegible], I had the greatest interest

[illegible] that penicillin could be [illegible]. [illegible], the fact that we were not successful was due to luck.

MR. [illegible]: Does the Tribunal wish to recess at this time?

THE [illegible]: The Tribunal will now recess for ten minutes.

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session. May it please Your Honors, defendant Oberheuser, having been excused by this Tribunal, is absent for the balance of this afternoon.

THE PRESIDENT: The Secretary General will note for the record the absence of defendant Oberheuser, pursuant to excuse.

PAUL ROSTOCK - Resumed

CROSS EXAMINATION - (Continued)

BY MR. MC HANEY:

Q. Professor, you drew a distinction between basic research and special research. When was it that you started looking into special research?

A. Of course one cannot specify that to a date, namely that up to a point I had one interest in mind and from another point I started with my other interest. Essentially my interest was with basic research and in the background there were other interests.

Q. Well, when did you start compiling an index on special research assignments, do you remember?

A. You mean this research card index? I think that was summer 1944.

Q. Well, had you received any information prior to the summer of 1944 concerning special research assignments?

A. That is quite possible that somebody informed me about it but this matter was never listed systematically before summer 1944.

Q. Were basic instructions sent out to the various branches of the Ministry to report to you concerning their special research assignments?

A. Basic directives I could never issue. I requested to be informed.

Q. And when did you request to be informed?

A. That happened about at the same time.

Q. Well, what about Schroeder's statement in his affidavit that he made the choice of research assignments? I understood his statement to indicate that he started doing that around the first part of 1944, when he took office as Chief of the Medical Service of the Luftwaffe.

A. I said before that was an agreement between us, an oral agreement,

I might use the expression "gentleman's agreement". Whether that was in April 1944 or May I cannot tell you, but Schroeder, as far as I am informed, became inspector on the 1st of January 1944, and I think it is highly improbable that he immediately went to me. He had a number of other things to do in addition to visiting me. During such a personal meeting we discussed this question and agreed that this matter would be handled in this fashion.

Q. Did you have such gentlemen's agreements with the Medical Inspectorate of the Army Armament?

A. Yes, that is true.

Q. What about the SS?

A. I already said that a request went out to the SS and I think this morning I described the answer which I received.

Q. A similar request to the Reich Research Council?

A. Yes, to the Reich Research Council, too.

Q. And the Kaiser Wilhelm Institute?

A. No. I only spoke once to Professor Rockenmuller of the Kaiser Wilhelm Institute in view of the brain research work which was mentioned yesterday already. He was one of the leading men in Germany in this field since Berger had died.

Q. Did these requests go out to the universities?

A. No.

Q. Well, were there any other agencies to which you sent these requests other than the ones to have enumerated?

A. I already mentioned the Reich Department for Economic Building. I think this was an authority of the Four Year Plan but I am not quite sure about that.

Q. Will you tell me again what the purpose of your interest in these special research assignment was?

A. I wanted to get material in order to be able to deal concretely with the Armament Industry whenever such intervention which I disapproved of recently took place.

Q. Well, what use did you expect to make of this mere statistical information which you received with the Armament Industry? What did you expect to be able to tell them with respect to these special research assignments?

A. For instance, whenever the Armament Industry would have carried such an interference I would have had some material basis in order to be able to tell these gentlemen for what special reasons I thought it was advisable that this kind of work be continued. As I said before, these interferences

were only possible by circumvention; namely, the economic sphere. That is, the material contingents which we received up to that time, iron, etc., could have been stopped or the personnel which we used could have been drafted to some other ministry or compulsory service or something like that. In this connection there was, shall I say, a very unobjective opinion for what was formulated by a few specialist; namely, the saving of personnel hardly came into question. These few hundred people that they could have drafted and could have used in an unskillful manner really played no part at all. Seen in the whole, we Germans, compared to the englishmen, and I think the same applies to the United States, did this war in a basically wrong manner. The englishmen at the beginning of the war furthered and assisted his scientific institutions and built up a very strict organization concerning England, as it was also published in an article in an english newspaper. We, or a few leading Germans, were of the opinion that the scientist would have to carry a rifle, and they did not realize that this man could do much more in his institution than as an infantryman or a guard or some other duty at the front. This wrong conception which we had throughout the entire war I tried to correct. That, of course, could not be demonstrated publicly in our war but through little efforts this man and this man would have to be taken out from whatever he was doing. And may I perhaps relate an example to you how this was handled. In Germany some gadgets for seeing was introduced. That is, in order to enable a blind man to get some view of space. It could be compared to another apparatus which gives a flier some picture of the air through clouds. We tried to get that but we didn't quite make it. One man who was working on it, a physicist, was drafted. Then we tried to find out what he was doing, we saw that he belonged to some kind of a front formation engineer regiment or something like that. And we had great efforts to get this qualified technician who could pursue this work, to get him out of what he was doing and take his back into his laboratory. That could be done on the general orders but we just had to get them out slowly, one after the other. And what I am describing here now within a half minute's time was of months and months. And this was a further part of the work.

Q. Professor, I can understand that, but in the example you gave us, I submit that it took a knowledge on your part as to what this technician had been doing which was so important, an appreciation of his real value in a scientific work, and with that information you can then try to prevent his being drafted. You can try to make an effort to get him back into his research work, but that kind of effort requires some knowledge of what he was doing and how he was doing it. If I have understood you correctly, you have protested at great length that you had no such information with respect to the scientists working on the special assignments, so I am at a loss to understand how you expected to use this very statistical information that August Hirth was working on chemical warfare at Strassbourg, that he had a special assignment from the Reich Research Council, and that it had priority number 4,000. What good is such information as that to approach the Armament Ministry, or anyone else, for that matter?

A. I don't know whether Hirth had a priority number 4,000 and I do not know what that means. That was a science in itself. I only know that the SS decree, that is something that had nothing to do with the SS formation, was subordinated to the SS decree. But within these decrees, for instance, it went that the numbers 500 to 1000 were less urgent than the numbers 2,000 to 4,000, which numbers were very important. But that is just an example. Whether Hirth had priority number 4000 I don't know. And if I had found it out at that time, there would have been nothing I could have invented by it. Somewhere, Himmler or Sievers could answer about this organization of priority numbers. I don't even know whether they knew it. I, at any rate, do not.

Q. Herr Professor, let's see if we can't make this thing perfectly clear. Quite frankly, I don't understand it and I think it is to your interest to try to make us understand it. You have stated that you feared that the Armament Ministry was going to shut down a lot of essential research work. Because of that fear you sent out requests to the various branches of the Government exclusive of the SS - well, you included the SS - and also to the Reich Research Council. As a result of those requests you got in reports from them which stated that this or that man was working in a certain field

of scientific research. For example, he was doing virus work. Take Dr. Bacon, just by way of example. As I understood your testimony, you stated that the Dutch Research Council, for example, would send you a sheet on which Bacon's name would appear, the place where he was working, which would be Strassbourg, the field of research, which would be virus study, and I think you also mentioned that a priority number might also be listed. So, in fact all you received was statistical information. Now I am trying to find out just exactly how you expected to use that information and what you did with it, and I am having difficulty understanding that with this mere statistical information you had anything to persuade the Armament Ministry that it should preclude further research in the field of chemical warfare. There is just no argument to be sucked out of these names and fields of research to show whether or not ...

A. May I again describe hypothetically what would have happened if only somebody that wanted assistants approached me. If a good by was doing well he didn't approach me. He could manage himself. Supposing Dr. Bethe did not get assistants, or if that assistant was withdrawn from him in his research work, then probably he would have tried everything that was possible to maintain his work. He would have turned to the Research Council. Since he received an order from the Luftwaffe, he would have turned to the Luftwaffe, and according to the old point of view that it is better to have more irons in the fire than only one, he would have approached me too.

Now, if I had been convinced that this research work carried on by Bethe was important, then probably I first would have asked him to describe shortly what he was doing. And if this information had been satisfactory to me, then I would have telephoned the respective agency or would have written them a letter, and I would tell the agency which caused this step, and I would have tried to explain to them why I thought it was advisable for him to carry on this research work. And in order to do that at first I had to have some kind of a material basis. But, as I said before, all of this could only have been done if, from the outside, somebody had brought these things to my attention, and I can perhaps explain that, now that I know of this physicist, that I was surprised about it.

That's how it was. I visited a surgeon in Freiburg whom I know. That was purely because of surgical interests. During the evening I saw the rector of that university there as well as the physicist, and they told me about it. And, since I realized that this was a case of emergency I tried to do something about it. I may show I have to admit that up to that moment I didn't know of the project that he had in mind, and I could not even imagine that such a project was at all possible or likely. It was a coincidence that brought this fact to my attention, and since I thought that this was important rather I tried to help. That is just one of the problems we had to cope with in Germany by way of improvisation. It wasn't at all that I took this out from a number of reports. For instance if I had not gone to Freiburg that time I would never have found out about

Q. Well, where does all this leave us with respect to the purpose in having these special research assignments reported to you, and what does it leave us with respect to the use that you made of this information?

A. I don't know. I personally believe that I just told you for what purpose I wanted this information. In order to picture it more clearly I couldn't possibly [illegible] each every court inquiry and control every experiment. I think I made that clear, and I want to repeat again that for the entire field I had four assistants and three girls, and you ask your secretaries how large the work of the secretary really is. I think we, who are used to dictating, sometimes underestimate the work of a secretary.

Q. Now, do you mean to say that you had these special assignments reported to you and you have a file of them just on the off chance that the Armament Ministry would also form research work by this or that man, whereas you expected that one day to ask you and you would then call in [illegible] and ask exactly what he was doing and would then take up his case with the Armament Ministry; is that the right picture?

A. Yes, that is approximately right, and another purpose was to tell the gentlemen in the Armament Ministry, "Look here, here I have a box of files. This is all established in there and please have enough confidence in me that I eliminated everything which was superfluous on the basis of my knowledge." And again and again I have to say that in every case the scientists considered me worth of importance. Nobody can in any way prevent my mental activity.

Q. But Professor, if you were going to make any representation to the Armament Ministry that this box of files represents urgent special research in the field of research and that you have worked out all the research assignments, and hence they should continue to support these different research, I put it to you that you would have to give a pretty complete of what these scientists were doing in their field before you could make any representation to the Armament Ministry to the effect that their work was important and was urgent.

I submit to you that to classify urgency in broad fields means next to nothing. The important thing is the caliber of the person doing the work, his ability, and the particular problem within the broad field in which he is working. Am I incorrect?

A. I don't know whether the translation was very correct. May I perhaps repeat it in such a manner? I only knew that a certain gentleman located in a certain town was working on a certain research assignment. Now, what he did in detail I certainly did not know because on this card index it only said -- well, I can give you the examples as they are contained in Document NO-691. That's all I know -- no more. And when yesterday I mentioned Galvan narcotic, as it was taken from that document, then in no way at all did I know in what manner this gentleman was working on his research, not at all.

Q. Well, Professor, you will go along with me though in the thought that this little card that had his name and the place he was working and the field of virus research was perfectly useless information insofar as dealing with the Armament Ministry or anybody else, wasn't it?

A. I don't think I understood you correctly. Do you mean that my relationship to the Armament Ministry with regard to virus was without effect?

Q. No, I mean that simply having information giving a man's name, the place where he is working, and the field of scientific endeavor is information which is useless without more, in dealing with the Armament Ministry, if they threaten his field of work?

A. Perhaps useless is too hard a word in that connection. If such discussions were arrived at in any one case I certainly would have tried to gain more knowledge on that subject, which was at that time the subject of discussion. That is natural. I ask you to take into consideration that you cannot start on immense amount of paper work, particularly considering the amount of people I had at my disposal. One has to start from the beginning. It certainly wasn't useless, but it was neither very effective. It was just the beginning of an activity slowly working in.

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Q. Did the question ever arise where you had to, for one reason or another, gain detailed knowledge about what this or that scientist was doing?

A. I mentioned the research about penicillin at Dachstadt. That was the same thing. There are other examples where I gained a little more knowledge, where I tried to find out more about it.

Q. You testified that Karl Brandt was told by Hitler in Himmler's presence that he had no jurisdiction over SS research; is that right?

A. Yes.

Q. Why is it that Karl Brandt didn't tell us about this rather significant conversation when he was on the stand?

A. I believe it was mentioned here. I believe I remember that it was.

Q. Well, your memory on that point is better than mine, although I won't say that you are wrong. You discussed with your attorney this morning —

A. I cannot swear to it that it was said here, but I seem to remember — perhaps Dr. Servatius can confirm it.

Q. You looked with your attorney this morning Document NO-138 which is Prosecution Exhibit 390, and you will recall that that is a letter by Dr. Ritter to the Reich Research Council concerning reports on sea water with epidemic influence, epidemic fevers, that is, typhus, and yellow fever?

A. Yes.

Q. And you were asked some questions regarding the short report on typhus, and you expressed the opinion that there was nothing in this little report which would give rise to any suspicion that improper experiments were being carried out. What do you have to say about the last sentence of the typhus report, where it says, "The anti-infectious effect of dry vaccines to be further experimented on human beings."?

A. I have stated that a vaccine is a material which should create an immunity in the human body and I explained that on handovne dry vaccines. I further stated that, in the case of typhus, the degree of immunity arrived by vaccination can be found out by a very relative test of the blood. Hess tried to test his dry vaccine in its effectiveness on the immunity. That is what I reported. I'm not an immunity expert, I'm only a surgeon, but that what I gained from this report. Perhaps you could submit it to an expert. Anyone will read some more from it but I still understand today, although I know the subject of the trial, I still today as of the point of view that from these words of Hessen you cannot conclude that he tried to carry out non-scientific experiments.

Q. Well, is "anti-infectious effect" the same thing as you describe as "immunity effect"?

A. Yes, yes.

Q. Well, do I understand from your statements that it is possible to determine the effectiveness of a typhus vaccine in combatting typhus through the use of this simple blood test?

A. Whether that is possible only by this method is something I should like you to ask an expert. As I said before, in a personal conversation I could give my opinion on it but this apparently is a question which should be directed to an expert physician and, since I am under oath, I should like to ask somebody who is more of an expert than I am, a man who is a research worker in immunity and not a surgeon. I only mentioned this experiment in order to demonstrate that I, as a surgeon, through whose eyes I read this report, no objection to it.

Q. Well, Professor, you've been treated pretty much as an expert in

lot of fields by both the prosecution and the defense and I am sure that Dr. Fleming and the defendant Mrugowsky will show very keen interest in your opinion about the necessity of those Buchenwald experiments, particularly if you are prepared to say that in your personal opinion they could have tested these vaccines by this simple blood test and could have avoided artificially infecting the experimental subjects.

A. As far as I remember, Dr. Fleming asked me about a surgical problem, namely, the gangrene question, which is a wound infection, and I think that I understand something in that field and I can be called an expert. As a physician, of course, I understand something about typhus - that is a matter of course. But I cannot testify about it as an expert witness before this Tribunal and I wouldn't like to call myself an expert on typhus questions. If I were to make a statement here, quite rightly an expert could come here and say I was interfering with matters which I had nothing to do with and you will understand that a scientist does not want to be told a thing like that, and I believe that the same applies to law. It often happens that a person versed in penal law doesn't know very much about patents.

Q. I take it you prefer not to express an opinion on that subject then professor, the prosecution has put in Document NO-1620, which was Prosecution Exhibit 449, for identification. You will recall that this letter was from the defendant Brandt and it was a letter from Gravitz to Himmler, stating that Professor Brandt had approached him with the request to test a new ointment for treatment of phosphorous burns, which was still in the experimental stage, and Gravitz proposed testing this ointment on concentration camp inmates. This letter is dated 30 September 1943, which of course is only 28 days after the second Fuehrer decree. Did you know about this subject?

A. I didn't know anything about the letter. This ointment of this drug factory I know. I think it could be bought at various drug stores in Berlin and we often used it in the case of burned injuries in Berlin. But we never found out anything about any superiority of this ointment in comparison to any other ointments. We naturally used it. I don't know whether you can imagine what it means when any large city was attacked and then had

to keep on living and working and in that case one is always glad to have an ointment available, no matter whether it was the most effective or not, and that is the reason we used this ointment. Whether this was used in other places I don't know today.

Q. Well, doctor, the question I want to put to you is whether you knew that Brandt had gone to Gravitz and asked him to test this drug, whether on concentration camp inmates or otherwise.

A. No, I didn't know that.

Q. Do you know whether Brandt, or did you, receive a report from Gravitz on those tests?

A. Gravitz to me?

Q. Gravitz to you or Gravitz to Brandt.

A. I didn't know anything about Gravitz to Brandt. I cannot remember that Gravitz sent a report and, considering our entire relationship and - I mean, if Gravitz to me - I think it is highly improbable that it ever occurred.

Q. Well, you would remember that if Gravitz sent you a report about experiments he had carried out on concentration camp inmates with phosphorus burns to test this drug, wouldn't you?

A. I cannot remember any such report.

Q. Well, can you state, therefore, that you are sure you didn't receive one?

A. I cannot say that for sure but I did not retain it in my memory at any rate.

Q. You certainly remember Document NO-154, which was Prosecution Exhibit 446 for identification, concerning a conference or a report, rather, on experiments concerning the decontamination of water?

A. I think that is a report which you submitted to Brandt in cross-examination. It comes from some Reich institution of water and air - for water and air questions, or something like that.

Q. That is correct. You will recall that these experiments were carried out on concentration camp inmates at Neuengamme. This report is dated 31 March 1945, long after you had become Chief of the Office for Science and

Research. Did you know nothing about these experiments?

A. No, I know nothing about them.

THE PRESIDENT: Mr. McHaney, I assume that your cross examination would continue for some time. The Tribunal has a few questions to propound to the witness, so the Tribunal will propound those questions now.

MR. MC HANEY: Very well, Your Honor.

BY JUDGE SEARING:

Q. Professor Rostock, can you say whether or not the immunizing effect of typhus vaccine can be ascertained or determined from a test of the blood of the vaccinated person?

A. With the limitation, namely, that I am not an absolute expert, I can say that I know that this so-called "Weigl-Felix'sche" reaction, as it is called, is not absolutely conclusive; that is, it can occur, that in the case of an immunized person, it has a completely negative effect; that is, no immunization effect at all and that even in the case of a person who already had typhus and went through it and who has, according to our experience, a high degree of immunity, in his case the reaction must be negative; that is to say, it is a failure, but I should like to ask you that, if an expert should appear here during the course of the trial that you should ask him about this question, so that perhaps he could correct my opinion.

Q. If your conclusions are correct in the matter, what advantages are there to be gained in the conduct of experiments whereby persons would be artificially infected with typhus?

A. In this entire experimental assignment I see no essential advantage at all. I would not have carried them through, I personally, that is.

Q. Now Professor Rostock, you have made some mention of the fact that you discussed with Professor Gebhardt the nature of the sulfonamide experiments he had conducted on prisoners which - as understood had been confirmed to death, but who had been promised leniency if they submitted to the experiments; is that correct?

A. Yes. Well, I heard "discussion." By "discussion" we Germans understand two people talking to each other, that is, one person says something and then the other person says something again. That was not the case. Gebhardt and Fischer spoke in a large room to a sitting lecture. One of the others among those present or more participants was I; but, of course, no conversation between Gebhardt and I took place about this matter. I merely heard the lecture.

Q. At the time of the Gebhardt lecture or Fischer also lecture?

A. Yes, that was the same lecture. Gebhardt made the introductory remarks; and within the frame of the same lecture Dr. Fischer continued.

Q. Did Oberheuser have any part in this lecture or discussion?

A. I didn't notice it. I cannot swear to it; but I believe I would have noticed that my attention would have been drawn to it if a lady had spoken in that military institution. I'm pretty sure that Dr. Oberheuser was not present.

Q. Either at that time or at any other time if you talk with anyone or have anyone else talking with anyone who had discussed the experiments or their effects, either with Gebhardt, Fischer, or Oberheuser?

A. I don't know that any of these gentlemen spoke to them; but, of course, this is something I could have missed. If in an auditorium where a lecture has been given - if the people who were grouped together in groups, I couldn't possibly know what they were speaking about. At the time, I knew of no such direct conversations.

Q. So, then, if Gebhardt, Fischer, or Oberheuser discussed these experiments

or their results with anyone else, did any information come to you concerning what either Gebhardt, Fischer, or Oberhauser had said relating to the experiments or the results thereof?

A. No, I never heard anything like that, namely, that any details were discussed with the people concerned.

Q. Then all you know about it is what you have already related here in evidence; is that true?

A. Yes.

Q. Professor Rostock, your counsel has placed in evidence Rostock Document Number 5, which has been received in evidence as Rostock Exhibit Number 5. This document purports to list of scientific publications of which you are the author. In the document under the title "II, Journals," appears a publication entitled "Treatment of Tuberculosis with Sulfonamide, Report of Congress Dost of Consulting Physicians, 1942." Where did you get the information and data from which this publication was made?

A. That is the lecture which I mentioned this morning. It was printed in the report of the consulting physicians of May, 1942. I don't know the exhibit number, but it was submitted to the Tribunal by the prosecution.

Q. Where did you obtain the actual information from which the report was drawn? Do you recollect it this time?

A. I know that in the year of 1942 I held a lecture there.

Q. Now, then, returning to the Gebhardt, Fischer, Oberhauser matter, did there ever come to you, from Gebhardt, Fischer, or Oberhauser or from someone else, any information concerning experimental efforts to transplant bones, muscles, or nerves from one human being to another?

A. No.

Q. You knew nothing about that whatever?

A. No.

Q. During the course of your interrogation today you made some mention of an order, decree, or directive from a part from some responsible government officer or authority or agency, authorizing medical experiments on persons condemned to death. Is that correct?

A. No, that must have been a misunderstanding.

Q. I understand you to say that at this meeting Gebhardt had attempted to rationalize the legality of his experiments because of the purported existence of a decree or order which legalized such experiments in cases [illegible] to been condemned to death. Did I understand that correctly, or am I mistaken?

A. Well, in his lecture he said this. The legal basis for the experiments about which he was talking, the report was clarified and did not concern us, that is, the people in the meeting. That was a matter that was decided. He did not say, however, that any certain authority or certain person was at fault. He merely said generally that this was a matter that was decided. In the lecture, or at least I as a listener, gained the impression that any high governmental agency gave the authorization to these physicians; and because the relationship of obedience which is used in military circles, I assumed that this governmental agency, which I didn't know, would have to assume responsibility. That is the picture I gained at that time. That was the impression I gained. But I must say that I did not consider this question really or in any way intensively. Well, anyway I don't understand anything more than it.

Q. You did not understand then that there was any existing German law or decree which in its terms legalized such a type of experimentation; but all you understood was simply what you heard from Gebhardt in his lecture that as far as the lawfulness or legality of the question was concerned, it had been settled by a decree?

A. I know nothing of any law or decree in that direction. I suppose that Gebhardt told us only repeated to us what had been told him by some other money. He told us that he was authorized. I cannot say whether such a law existed or whether it did not exist. At any rate I do not know of such a law.

Q. Do you recollect the words he used in regard to the locality of any such experiment as you have narrated? Can you remember the words he used?

A. I don't remember the exact words. I only remember the sense.

Q. Will you repeat again what you remember of the sense, please?

A. According to the sense of it he said that the juridical basis for the execution of these experiments had been decided and a discussion about it was not necessary with the people who were present. But I think that Gebhardt may remember the words more exactly.

Q. Did he make any mention of the type of persons upon whom such experiments would be legally conducted. Was anything said about people who had been condemned to death?

A. Yes, he said that this concerned people who had been condemned to death and was not subsequently been pardoned.

Q. Did it have been performed on persons to be pardoned if they would give their consent to the experiment and did survive the experiment, which was it?

A. The word "approval" in my opinion was not mentioned. I understood it in the following manner: That if the man concerned survived this medical injection, that his approval would be synonymous with the commutation of the death sentence, and that if he survived this fourth sentence, he would not be pardoned. This is the way I understood it at that time.

Q. Did you understand whether or not the element of voluntary consent on the part of the human subject was to play any part?

A. The voluntary element, according to my opinion, was not mentioned.

Q. So far as you understood it then, it was not to play a part?

A. That I don't know.

Q. Did you get what you stated from subsequent or any understanding other than that which you had at the time that the subject of it was that with the element of consent or lack of consent, certain persons condemned to death were to be used as experimental subjects, and that if they survived the experiment that they then were to have their sentence commuted in lieu of the execution of the death sentence, is that correct?

A. In my opinion the situation was that whoever had survived the injection would not have the execution and was not sentenced.

Q. Have you any doubt of that?

A. I don't know how it is possible to be in good conscience, I have no good reason to doubt the veracity of the story in a matter which I don't know.

Q. Did you have any understanding as to how it was to be handled in the case?

A. No, I did not know that.

Q. Your understanding was that people who had been condemned to death were to be the experimental subjects, is that correct?

A. Yes.

Q. Did you understand that any distinction was going to be made between German criminals who had been condemned to death under the German penal laws or criminals or the political prisoners or prisoner of war who was a non-German national and who had been convicted or sentenced to death?

A. A differentiation between criminals, prisoners of war and political prisoners was not made. I had the impression that these were ordinary death sentences, whether they were Germans or non-Germans I don't know either. I don't know but I believe that even a non-German can be sentenced to death by a German court. I don't know whether that is customary or not.

Q. Let us assume that is true. Do you know whether or not a non-German national in a concentration camp who has been sentenced to death may be subjected to human experiments upon his body?

A. I don't know that.

THE PRESIDENT: The Tribunal will be in recess until nine-thirty tomorrow morning.

(The Tribunal adjourned until 0930 hours, February 25, 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nuremberg, Germany, on 24 February 1947, 0930, Judge Beals presiding.

MR. MARSHALL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1, Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

MR. PRESIDENT: Mr. Marshall, you ascertain that the defendants are all present in court.

MR. MARSHALL: May it please your Honor, the defendant Oberheuser is absent due to illness.

MR. MASON: On the part of the defendants we are ready.

MR. [illegible]: On the part of the defendants we are present, sir.

MR. SCHWARZ: Defendant Oberheuser, having filed with the Tribunal a certificate of Roy A. Martin, Medical Corps, U.S. Army, that he is unable to attend on account of illness, the defendant will be excused, it appearing to the Tribunal that her absence from the courtroom will not prejudice her rights.

The Defendant-Counsel will file a medical certificate of Doctor Martin. Counsel may proceed.

DIRECT EXAMINATION -- Resumed.

MR. SEIDLIN (Counsel for the defendant Karnosch):

Mr. President, I ask you to excuse me for turning to the Tribunal. This is a. At the end of the last session the defendant Karnosch made some questions to the Tribunal. Mr. President, we hold cannot be denied in relation to the fact that the defendant's questions touched one of the questions of Judge Sebring, perhaps because of misunderstanding. My own observation confirms this and I am so obliged to the following. Prosecutor Leo Alexander Nortoni in, Doc. No. 7, there there is publication of "Ostrach's Trust Gulfstile file. I request to Ostrach received the file for

that publication. I understood that Judge Sobrino wished to work from those to derive the material basis for that lecture. The defendant, however, always answered continually in such a manner that I did not believe this document that the question about the reliability of his statement is contained in the document. If Judge Sobrino is off the same opinion, I would suggest we clarify this point at the before cross-examination of witnesses.

JUDGE SOBRINO: As I understand it, the purpose of Westbrook Document No. [illegible] is to show to the Tribunal that a lot of the work done by Prof. Westbrook in the public health field, which I showing the [illegible] has written and published by him since the [illegible] of 1937, [illegible] article which has been published by him, [illegible], in medical journals and other published works of this nature. Is that correct?

MR. [illegible]: Yes, that is correct.

MR. [illegible]:

[illegible] the Tribunal is interested in knowing exactly what part the [illegible] publication of our friend with [illegible], Report of Congress Hotel of Consultation, [illegible], 1942". Perhaps it [illegible] clearly that a portion of this report, or of this document, is a duplicated exposition of this article that appeared [illegible] publication?

[illegible], I [illegible] [illegible] [illegible] Friday I stated that I [illegible] [illegible] I incorporated this article [illegible], [illegible], [illegible], it is very [illegible] to answer the question [illegible] [illegible] [illegible] [illegible] experience [illegible] [illegible], [illegible] based on articles of [illegible] that had been published, and, furthermore, the consultants [illegible] the army medical inspector to [illegible] surgeons of the army in the field, [illegible]

answer the other question at the same time, I should like to say that I didn't receive a report from Mr. Gobbert. That wasn't at my disposal at that time. Even at the time I held this lecture the experiments of Mr. Gobbert, which are subjects of discussion here, I did not even suspected. According to this list they began in July of 1943. I don't know whether I have answered your question with that.

[illegible]

[illegible]

[illegible]

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the front. There weren't any special hospitals for that purpose and they were hardly possible at the moment. Our central difficulty was time, and or politicians at home, every physician who took care of the initial wounds, if the wound healing, only kept the patients for a few days under his own observation since the medical stations or hospitals at the front had to be evacuated very speedily in order to keep them ready for new casualties who might come in, so this change just which the first decisive days and it practically not impossible for the surgeon to carry for such a patient from the wound receiving up until two or three days later and keep him under a lighted observation. And further that to mostly important days than the development cells itself.

Q. Now, Dr Fischer, the self-mutilation experiments of Gebhardt have been criticized to some extent by the statement that German military medicine was in a position to the value of such experiment and, that if certain medical conclusions arrived up in this respect it could be determined whether it was possible to cut them in the treatment of wounds with surgery in the front line. Certainly truth the soldier with sulfonamide and evacuate that the poor fellow, in the rear area, it was necessary to call on to surgeon near front line hospital because it was necessary to make an incision or amputation. Do you understand this?

A. I do not understand the interpretation according that correlation to the [illegible] -- which I can only infer [illegible] kill [illegible] for the [illegible] response [illegible] treatment in the [illegible] if it [illegible] get [illegible] and [illegible]? There was very good [illegible] this question. [illegible] I'll make no [illegible] remarks for [illegible] and I may [illegible] to [illegible] the [illegible] treatment of [illegible] — in [illegible] itself [illegible] sufficient. So, [illegible] experience [illegible] arrived at [illegible]

[illegible]

[illegible] of your training of the number of [illegible] that occurred during [illegible]. This is because of the difficulties which I described [illegible] in the medical observation during the first days of the war. In order to remember the question of what or not were a group is held to be [illegible] -- that, of course, [illegible] an exp[illegible] but I [illegible] believe that it was [illegible] the personal point of view for, in [illegible] fashion [illegible], [illegible] experienced physicians, [illegible], [illegible] survey the situation [illegible] personnel, we [illegible] the [illegible] report which [illegible] America where an American high school officer said: "We Americans [illegible] war [illegible] we have [illegible] physicians [illegible] Axis powers." I don't [illegible] this was [illegible].

Q. [illegible] May, 1942 [illegible] right [illegible] problem [illegible] itself?

A. I'm sure I don't [illegible] it with [illegible], but the question of [illegible] essentially [illegible] was [illegible] that [illegible].

Q. Now, [illegible] conference in 1942 [illegible] research in [illegible] September [illegible] if the [illegible] research [illegible] at [illegible]. [illegible] agreement [illegible] Agency [illegible]?

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A. This is how it was. The first meeting in the summer can be traced back to me. Present were gentlemen of the Reich Research Council, gentlemen of the Medical Inspectorates of the Wehrmachts branches and Reich Office for Economy and Building. It was just a very small circle. This took place in Bielitz, mainly because of air raid precautionary reasons. It probably would have been as well to choose a little room in Berlin for expediency but Berlin had become very troublesome at that time. The reason of this discussion - don't let's call it a conference - was that almost underhanded I heard that there were considerations pending in the Armament Ministry in order to stop research. These considerations were pending apparently for quite some time for the second meeting of which I also spoke only took place in the winter and was not initiated by me but by the Armament Ministry. And, there the circle was much larger for there were present about seventy or eighty gentlemen, mostly technicians. Any measures of the Armament Ministry were probably directed to technical research and the few gentlemen who did purely research work in the medical field only were so very few that they played no part whatsoever.

Q. Do you remember who represented the Wehrmacht at the first meeting?

A. I don't know. I believe Schreiber was there. I don't know who was there from the Luftwaffe or the Navy.

Q. Anyone represent the SS?

A. I can't remember exactly which one of the gentlemen was from the SS.

Q. Well, do you think there was someone there from the SS and you just don't remember his name?

A. I can't tell you that exactly.

Q. And, have I understood from your previous testimony that you discussed nothing at this meeting except what fields of research were needed?

A. We discussed the question of what larger fields of research, considering the intensified conditions of the War, would be necessary in the future. We arrived at about twelve or fourteen such themes.

Q. Didn't you discuss particular research assignments?

A. Individual research assignments you mean? Assignments to Mr. so and so, is that what you mean?

Q. Yes.

A. It may have been possible but that could only have been used as an example. It wasn't done in a manner where a list of research assignments available came through in detail. Entire list perhaps was discussed. Naturally one of the participants, by way of example, mentioned any particular assignment ----

Q. You say you did not go through a large list of research assignments and pick out certain individual ones and designate them as urgent?

A. We designated the entire field. Naturally the gentlemen who had distributed these orders had to use their own discretion whether they wanted to drop one or the other. That wasn't my task to decide and I had no power to do that.

Q. You yourself did not designate specific research assignments as being urgent?

A. Naturally it is quite possible and thinkable that if somebody said that I give this assignment to so and so and would say, "please think about it" - quite natural I would give my opinion on the subject. But, without having my material at my disposal I could hardly answer that here under oath. I think that will be the case with many gentlemen here. I don't know whether if one of the defense counsel who would be asked here and he stood during a trial three years ago, whether they remember all the details of that trial - maybe they could discuss it if they had their files. I would be able to do that if I had my files and could look it up, but merely from memory, considering the time that has lapsed it is something too much to ask.

Q. Well, do you remember what you did following the first meeting? What results occurred as a result of this meeting?

A. As a result of this meeting a list was made about these twelve research fields which were considered important. That was sent to Industry Speer and to other agencies.

Q. Now, didn't all of this really require some knowledge of just what a particular scientist was doing? And how he was doing it?

A. No, not at all. It wasn't necessary to decide whether, in order to give an example of this trial, whether to know what Hagen carried out in regard of typhus vaccine experiments. It was sufficient to know that typhus danger was very large for Germany and we had to say to ourselves that we had to protect Germany against this danger - that we had to options to work - and in order to arrive at this realisation it wasn't necessary to know any details which were carried out in some typhus hospital somewhere. The decision of importance could be arrived at without any of the detailed knowledge that were in the individual's hands.

Q. Now, I take it that you were getting together your card index file of special research assignments before this meeting took place in the manner of 1944. Is that right?

A. Yes. A little before that.

Q. And you did you ever see of this card index file of research assignments?

A. It didn't really time to prior use. As I said the actual determined interference in research activity by the Armament Ministry only came about in the winter and whoever can remember what Germany looked like during the winter of 1944-1945 will agree with me that it was a time attractive from above and no value any longer. In most cases they didn't reach the agency they were directed to. I think that the number of mail bags was burned was very large and extensive.

Q. Didn't you have any correspondence with those scientists who were working on special research assignments? Didn't you send general

instructions to them of any sort, or things of that nature?

A. I certainly had correspondence with the scientists. As for general directives to individual gentlemen, that is something I didn't send. But, if somebody believed that he was to be limited in any way or some material was to be taken away from him or that his iron or material supply was to be cut down, then certainly he approached all agencies from whom he hoped they could help him.

Q. Did you ever circularize German scientists with any sort of instructions about what your task was, how you could help them in a given situation, just when it was they were supposed to get in touch with you?

A. I never sent a general directive of that nature. This would have had to be printed considering the amount of people involved and I cannot remember such a procedure. I certainly had individual correspondence with gentlemen that I knew.

Q. Do you know a man by the name of Schulemann, S-c-h-u-l-e-m-a-n-n?

A. Yes. I know Schulemann. He is the well known discoverer of the well known malaria drug "plasmochin". He was professor of pharmacology in Berlin.

Q. Do you know a man named Zeiss, Z-e-i-s-s?

A. Zeiss was professor for Hygiene in Berlin. I know him personally. There is another Zeiss. There is a Zeiss in Hamburg. I don't know which one is meant.

Q. You mentioned the correct one first - the Hygienist in Berlin. What about Dr. Pfaff, P-f-a-f-f?

A. Pfaff? Pfaff? At the moment I have no imagination when you mention that name. Maybe you could tell me more about him - was he a bacteriologist?

Q. Apparently he was an expert on tuberculosis.

A. I don't remember. If I think about the names that I know of other tuberculosis workers I don't think I heard anyone of that name in that connection.

Q. But [illegible] you mean Vozlor?

A. Vozlor? Yes. Vozlor was a physicist at Frankfurt-on-the-[illegible], who worked in Prague [illegible].

Q. Did you know [illegible] Hildebrandt?

A. Hildebrandt was a surgeon, pilot [illegible]. He is dead. He was dead at that time. I don't know anything about him.

Q. I know he was a pharmacologist at Giessen.

A. [illegible], I don't know him.

Q. What about Fischbeck?

A. I know the name from newspapers but at the moment I cannot say who he was.

Q. Schlesinger?

A. Yes, Schlesinger was a physicist at Bonn.

Q. [illegible]?

A. [illegible] I can remember no other name.

Q. Wurzlit

A. Wurzlit? I don't remember.

Q. Tiedemann?

A. Tiedemann was a very well known physiological chemist and he [illegible] the directorship of the Kaiser Wilhelm Institute [illegible] put [illegible] at the disposal of the [illegible]. He was at first in [illegible] Heidelberg.

Q. Yes, you said, isn't it true that the German medical research institute of today [illegible] of scientists isn't it [illegible] medical research [illegible] organization? Is this true?

A. Yes, [illegible]. For instance, I know all the well known [illegible] university lecture of the young [illegible] which [illegible] plans; [illegible] report reports constitutes [illegible]. If you [illegible] the top people from these [illegible], [illegible] of the top [illegible] these, I would [illegible] them. I would have [illegible]

[illegible] certainly not all of them. Maybe one or two other names in brown from literature but if you [illegible] confronted with that Continuum [illegible] one should [illegible]. This might explain which you [illegible] some time here, never existed. One could almost say that, unfortunately, it never existed, for the big chapter to various science and perhaps also other [illegible] very poor [illegible] in that respect and [illegible] left to see what happens. The science [illegible] to advance [illegible] so clearly.

Q. You have previously [illegible] of [illegible] in connection with cyclotron. Did you ever [illegible]?

A. Yes. I [illegible] or three occasions.

Q. When did you [illegible]?

A. I [illegible] - something [illegible] quite [illegible]. At [illegible] I spoke to Mr. Steiner, Mr. Hochenbach, [illegible] Physics [illegible] I do not remember any letter. [illegible] the problem of this kind of research possibilities [illegible].

Q. Was this in the [illegible] 1939?

A. It was [illegible] to the end of 1940.

Q. [illegible] that [illegible] remember to [illegible] war [illegible].

A. Yes, I [illegible] there was [illegible]. Yes, [illegible] the [illegible] if [illegible] this cyclotron was to be built [illegible]. It was in [illegible] the University climbed [illegible].

Q. [illegible] visits [illegible] Strasburg to see this?

A. [illegible] in Strasburg [illegible] in my entire life.

Q. [illegible] remember the other occasion [illegible]?

A. [illegible] I [illegible] and I think that was

Q. [illegible] I [illegible] to him.

Q. [illegible] that?

.. I believe that was before I went there, that is, before I went to Strasbourg. Anyhow this visit was in connection with [illegible] I [illegible] know that nothing [illegible] materialized anyway.

Q. Did you [illegible] that when you were in Strasbourg?

A. No, I do not know what that first looks like. I only know [illegible].

Q. [illegible] Stadium [illegible]

A. Yes, from [illegible] the [illegible] at Strasbourg.

Q. Did you ever see Professor [illegible] there?

A. No, I did not meet him.

Q. Did you meet [illegible] of Technischer -- Dr. Fritz Lotz?

A. I don't know that. There were two gentlemen there, some relatives, but that [illegible] Dr. Lotz was there I really don't know.

Q. [illegible] Dr. Lotz's first [illegible]?

A. I can [illegible] by such name but it is possible he [illegible] of the gentlemen there.

Q. [illegible] required by [illegible] electrical [illegible]?

A. [illegible], I recommend the [illegible] of the cover with [illegible] the [illegible] -active charge [illegible] in [illegible] -[illegible].

Q. [illegible] record, [illegible] certified [illegible] the [illegible] is visit [illegible] cyclotron, [illegible] securing [illegible] is work [illegible] electrical [illegible] permit to [illegible], [illegible] free, [illegible], increasing, [illegible], [illegible] Dr. Fritz [illegible], [illegible] right [illegible]?

A. [illegible] to furnish [illegible] is [illegible] work, [illegible].

Q. [illegible] report [illegible] report [illegible] point [illegible] right [illegible]

and Ruhr in talking about fixing up a laboratory you would know what they were doing as well with the laboratory.

A. I did not know that in detail. It did not concern me very much. One cannot expect to know about every German lecturer and what he was doing in his institute. The situation was that all those lecturers and scientists were working on a number of problems simultaneously and were helped by assistants and informants and it was beyond the strength of a human being to try to know all this and keep it in mind.

Q. But whether you knew this work in detail or not, did you know what it was concerned with, the field of chemical warfare?

A. I did not know that in that sense.

Q. I want to put a document to you to see if your memory will possibly be refreshed. I have in mind the witness page 14 (Prosecution) 6-1032. It is an page 15 of the translation which has just been handed to the Tribunal.

A. This is a letter from Dr. Bachmann. One cannot see what exactly this letter represents; something can be seen here. It concerns Bachmann's experiments on three days successively. This was with reference to Tabun. Aerosols in the form physical as well as in medicine in the future play the part of distributing the materials in a gaseous state in the air. It says here that Tabun was taken from Tetraethylpyrophosphate, the latter we usually call Urotropine, and was neutralized by phosgene. That is what I can see from this report here. This letter is not addressed to me and I can't remember ever having read it. This is in accordance with what Dr. Ambros said; namely, that the work on chemical warfare was not in his sphere of interest concerning us.

Q Well, now Herr Professor, this letter is addressed to the Fuehrer's General Plenipotentiary for Sanitation and Health, Surgeon General Professor Dr. Brandt, Berlin, Ziegelstr. 3-9, Surgical Clinic at the University. That is about two or three doors away from your office, in the same building?

A Yes, that is correct.

Q I assume that this letter came into his office sometime in 1944; don't you really think you read it?

A No, I don't think so, and whether you believe me or not, you can rest assured that I was glad if my daily mail was not too extensive. It is scientific to have so much to read that we have no inclination to want to have this burden of mail increased. I cannot remember having read this letter.

Q I will read the letter into the record. It is labeled "Top Secret (Military) 2 copies." "To the Fuehrer's General Plenipotentiary for Sanitation and Health, Surgeon General Prof. Dr. Brandt, Berlin, Ziegelstr. 3-9, Surgical Clinic at the University.

"6th Report.

Q The protective effect of an inhalation of Hexamethylenetetramin-formaldehyde phosphate solution.

A Ten per cent. solution of hexamethylenetetramin is sprayed into a glass box of 1/2 cbm with a Sobrick jet. Animals of varying size and age in a wire cage is given to each to be inhaled. Immediately after the inhalation they are placed in phosgene c.t. about 2000.

"Results

1) A cat inhaling hexamethylenetetramin different days for altogether 8 hours showed a slight attack of pulmonary edema, survived; the control animal died after 3-7 hours of severe edema.

2) A cat inhaling for 2 hours also fell sick slightly and survived; the control animal died after 6 hours.

3) A cat inhaling for 1/2 hour fell sick severely and died after 4 hours of pulmonary edema, the control animal died after 3 hours. No other medicinal drug could be carried in swing to lack of experimental animals.

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So far as the small number of experiments permits of a solution, the inhalation of gases 1 from Bis-chloroethylsulphide for more than 1/2 hour has a cumulative effect, if inhaled for more than 2 hours, it has a lethal cumulative effect."

Signed "Prof. D. Rudenberg."

Now, Professor, I want to show you another part of the same document. Now, will you turn to the second page of that, where you have the second paragraph; do you see it?

A. Yes.

Q. This is also labeled "Military Secret," to the Chief Deputy of the Reichs for Medical and Health Affairs, Physician General Prof. Dr. Handloser. This is a page 2 of the English translation, Your Honor. Handloser, Ebersberg. S-A medical clinic of the University. Sub Report." The subject of this report is "Toxicological tests on the toxicity in experimental of phosgene in the chamber gas and its hydrolysis under the influence of atmospheric moisture." The first paragraph reads:

"After carrying out the planned phosgene experiments the chamber gas should be analyzed for the results-proof and the condition of the gas phosgene-proof. For this purpose chemical results of the phosgene content in the chamber gas were carried out. To used for it (1) method, although the chlorine formed by the phosgene are quantitatively different. Our experiences with this method are not in a separate report by Dr. Kiel."

I only read the rest of it, and in the page 2 of the English translation, page 2 of the original. The second paragraph reads:

"In accordance with the Hygienician (Chemist) Dr. Kiel with the transport of the inhalation chamber gas tests we were not concerned with."

Sir, that indicates that Dr. Kiel of the Army Medical Corps was not in this in any way or in any respect?

A. That is probably the case. It says so here. I don't know.

Q. Lets turn to page 9 of the original, and page 9 of the English translation. You see, Witness, this is a series of seven reports. In order to understand this, we have to look at several of them together. We have here the fourth report, and from this, among other things, we are going to see the date, which doesn't appear in some of the other copies of these reports. This fourth report is dated Strassburg, 11 August 1944; so I think we can probably assume that the fifth, sixth and seventh reports follow the 11th August 1944; and since Strassburg fell, as I recall, shortly around September 1944, we can pretty well fix the dates of these interpoint reports, can't we, Witness?

A. Yes, it can be assumed that the fifth report was made after the fourth report. I don't know exactly when that was.

Q. Will you be good enough to read this fourth report for us?

A. Yes.

"Concentration of hexamethylenetetramin in the blood and the urine after intravenous injection and oral administering of diluted solution of commercial tablets, and procaine in addition of pulverized substance.

"That the protective effect of hexamethylenetetramin against phosgene in with human patients has been administered, medically and therapeutically tested. From this effect, it was impossible to carry out this test by means of serial experiments on human beings. Assuming that the protective effect was a function of the concentration of hexamethylenetetramin in the blood, speed and extent of the resorption and secretion of the resorbing substance were measured.

"The method chosen for the determination of hexamethylenetetramin in the blood and in the urine will be demonstrated by one of us in a separate report.

"After an intravenous injection of 0,05 g/kg there occurs during the first minutes a considerable change in the concentration as a sign of the complete mixing with the mass of the circulating blood as well as a slow decrease of the concentration to about 6 mg % during the first half hour. After 6 hours the concentration has decreased 6 mg %. The resorption is only a direct function of the concentration in the serum.

"Oral taking of a diluted solution of about 10% hexamethylentetramin were traced regularly in the urine after 6 minutes. The speed of resorption depends on the contents of the stomach. Shortly after a meal, resorption sets in later and is slower (curve 4), whereas on an empty stomach, hexamethylentetramin can be traced in the stomach in quite a considerable concentration after 3 minutes (curve 5).
Psychological influences seem to play a role, too: In the case of curve 3, which refers a nervous Russian prisoner of war, who could not be calmed down, despite of inexplicable difficulties resorption took place at a delayed rate. All the other curves show about the same course: quick increase to 0 to 6 mg.%, highest concentration after about one hour, a somewhat slower decrease to values of about 3 to 4 mg.% after 2 to 3 hours and then a slow excretion during 24 hours. Even after one day, traces of hexamethylentetramin can always be found in the blood."

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

"Consequently it can be assumed that the protective effect against [illegible] sets in about 5 minutes after swallowing [illegible] and that it reaches its maximum after half an hour to one hour. [illegible] concentration of 3 to 4 mg% remains [illegible] for many hours."

[illegible], 23 August 1944 (Signed) Dr. Fritz J.........

MR. McHANEY: We would like the record to show this is in the [illegible] copy and it was addressed to the [illegible] of the Faculty of [illegible], [illegible] Prof. Dr. Brandt, Berlin, [illegible] 5-9, Surgical Clinic of the University, labeled "Top Secret [illegible]."

THE PRESIDENT: Counsel [illegible] identified [illegible].

DR. [illegible]: If Your Honor please, for reasons which are [illegible] of the [illegible], I have [illegible] document itself, which consists [illegible] in the original, [illegible], but [illegible] the same number, Document No. 1852 and will be [illegible]. We will identify [illegible] it comes up, it is the [illegible] of the English Translation. I will offer the [illegible].

[illegible], it appears from this German report that Dr. [illegible] Russian prisoners [illegible]. [illegible] of the original, [illegible] "[illegible]." [illegible]

[illegible] I think, Mr. [illegible], that [illegible] of this drug. [illegible]

[illegible]

[illegible] before I have read the seventh report, which is [illegible] 16 [illegible] a valid translation.

Does the Tribunal wish to adjourn [illegible] or I read this? I might say to the witness, I do not possibly read this report during the recess. I think I will find [illegible] it that they carried out experiments on forty prisoners, [illegible] the fourth report we seem to have been Russian Prisoners of War, when they could not even speak. [illegible] I will read the appendix [illegible] to this seventh report, you will see that they killed seven of [illegible] seven men.

THE PRESIDENT: The Tribunal will take a recess.

(A recess was taken.)

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THE MARSHAL: The Tribunal is now in session.

JUDGE SEBRING: If Your Honors please, as presiding judge of Tribunal II, which is now in session trying the case of United States against Brandt, also, I respectfully request that the Marshal be directed to remove the defendant Rudolf Brandt from this Tribunal to Tribunal II, where he has been approved as a witness for the defense. Tribunal II is now ready to hear his testimony if your Honors see fit to release him from this Tribunal at this time.

THE PRESIDENT: The presiding judge of Tribunal II having requested that defendant Rudolf Brandt be excused from attendance before this Tribunal for the balance of this morning's session to serve as a witness before Tribunal II, it appearing to the Tribunal that the absence of Rudolf Brandt at this time will not prejudice his case, the Tribunal directs that the Marshal remove defendant Rudolf Brandt from the dock before this Tribunal and escort him to Tribunal II, returning him to this Tribunal when his testimony is added before that Tribunal.

Counsel may proceed.

DR. SEIDLER: Herr Professor, I think you will probably now appreciate the significance of Report Number 1 where it is stated that they were carrying out a test with a cart in Graz on a Russian prisoner of war; and I assume you have now read Report Number 7. For purposes of the record I will now read this report. It is stamped: "Top Secret (military); 3 copies; 3rd copy."

"To the Fuehrer's General Plenipotentiary for Sanitation and Health Waffen Surgeon - General Prof. Dr. SCHIDT,

Berlin Ziegelstrasse 5/9, Surgical Clinic at the University.

7th Report:

On the protective effect of hexamethylentetramin for phosgene poisoning.

Experiments were carried out on 40 prisoners on the prophylactic effect of hexamethylentetramin in cases of phosgene poisoning. 12 of them were protected orally, 20 intravenously and 8 were used as controls.

The method:

The chamber has a capacity of 20 cbm. In experiment I to XIV the chamber was given a coat of paint which had a strong deteriorating effect on phosgene. This decrease in concentration was measured after experiment II. The curves are shown on chart I.

The heaviest decrease measured was taken as basis for the calculation of the average concentration for experiment I to XI. In experiments X to XV, the initial concentration and its decrease were measured separately in each case. In the tables II and III c_0 stands for the quantity of phosgene infused into the chamber in mg/cbm, c_m for the calculated average concentration, t for the time of reaction. c_m was measured as an arithmetic medium from 5 to 7 and calculated on the curve values obtained through interpolation.

B. The experimental subjects were throughout persons of middle age, almost all in a poor and underfed condition. On principle, the healthier were used as control, only control number 39 (J. Rd) and the orally protected experimental subject No. 37 (A. Rd) had a localized cirrhotic productive tuberculosis of the lungs. With the others, no pulmonary disease could be found. In the first experiments up to 4g hexamethylentetramin were given orally, later despite the much higher concentrations 0.06 g/l body weight, orally as well as intravenously.

Results: The intravenously protected experimental subjects, with no exception, all survived the phosgene poisoning with a c.t. of 207 to 540. There were no symptoms of pulmonary edema after intravenous protection even with a c.t. of 2970. Only experiment no. 10 with a c.t. of 3960 showed pulmonary edema of the first degree, which was overcome without any therapy; and in experiment no. XIV the intravenous protection was pushed to an extent as to cause pulmonary edema of the 3rd degree, which however was overcome by oxygen inhalation. The experimental subject recovered.

All control subjects fell ill. With a c.t. of 768 and 1180 a first degree pulmonary edema resulted which was overcome. With a c.t. of 1[illegible] the control subject died, the second contracted a second degree pulmonary

edema but recovered. A c.t. of 54 killed one control subject after 4 hours; the other after 24 hours.

After oral protection, a c.t. of 247 to 768 was suffered without any edema, even when the protective solution of hexamethylentetramin was drunk only 2/3 minutes before the inhalation of the phosgene. 2 control subjects showed a marked edema with a c.t. of 768. With a c.t. of 1485 one protected subject fell seriously ill with a second degree edema, a second subject fell also protected, having breathed the same phosgenic air, was unaffected. The cause of this striking difference must be sought in the different absorption of the hexamethylentetramin on the one hand and in the different reaction and the different volume of respiration of the experimental subjects on the other hand. When a c.t. of 2275 resulted in only a slight pulmonary edema in an orally protected test subject, whereas one control subject died after 4 hours, and a second contracted a second degree pulmonary edema. The oral protection was penetrated by a c.t. of 5400. The protected test subject died, as did the two control subjects.

Experiment IV is characteristic of the test schedule and its results, we will therefore only be specifically described. Of 4 test subjects, the first was protected orally; the second intravenously; the third received intravenous injection of hexamethylentetramin after the poisoning, in order more to ascertain the effect of therapeutic treatment; the fourth was not treated at all. The four subjects were placed in the cell in which a shell containing 2.7 grams of phosgene was exploded. The test subjects remained in this concentration for 25 minutes. The phosgene content was measured three times during the inhalation. The readings showed an average concentration of 93 mg per cbm. The subject protected intravenously remained healthy, and did not show the least sign of difficulty in breathing. The orally protected subject contracted a slight pulmonary edema, subsequently overcompensated by a pleurisy. The other two control subject also survived the pulmonary edema; the second died on the fourth day, and the autopsy showed the characteristics of very serious pulmonary edema.

Summary: The conclusions of the experiment are impaired by the v[illegible] constitutions and the general poor state of nutrition and of physique of the experimental subjects, as well as by the different behaviour and the different values of respiration of the experimental subjects under gas, which was hard demonstrated for the first time. But the experiments gave the following decisive conclusions:

1) A previous intravenous injection of 3 grams of Hexamethylentetramine completely prevents serious toxical and fatal phosgene poisoning from c.t. of 2275.

2) An unlimited quantity of Hexamethylentetramine taken prophylactically weakens a fatal poisoning to such an extent that it can be overcome without treatment. c.t. = 2275.

3) Non-fatal, but nevertheless severe producing poisonings are [illegible] relatively ineffective by intravenous application and are weakened by oral applications. c.t. 250 to 1990.

4) The oral application of Hexamethylentetramine is no longer effective against serious poisoning of c.t. = 500. The intravenous injection, however, extend the effect to such an extent that the protected subject is able to overcome a lung edema.

5) The death limits ED50 (minimum lethal dose) arised on these experiments could not be determined with certainty. The c.t. of 2275 resulted in the death of one experimental subject; and the second level-[illegible] arose out of the death of the lungs which was cured.

6) Some of the protected experimental subjects who did not develop [illegible] of the lungs remained completely healthy; others suffered from all not [illegible] with a brief fever, in which case they recovered without treatment.

Attached to this report is an appendix. There we find Table II, [illegible] intravenous injections, Table III, which shows oral injections. [illegible] the list the experimental subjects, who were numbered from 1 to 40. [illegible] the current number is the left-hand column; next the experiment; and [illegible] of the experimental subject, which is given only with initials; [illegible]

then you find the various technical data concerning the injections, the amount of phosgene which was used; and then in the last column to the right we see that the effect of the phosgene poisoning on the subject after treatment with this drug is shown with certain characters, a plus sign being an edema of the first degree, two plus marks being an edema of the second degree; and the large plus sign with the cross-hatch marks on either end of the cross bars means death from edema of the lungs.

I note for purposes of the record that experimental subject Number 30 on Page 20 of the English translation, which was under Experiment 15, and identified with the initials "J. Ad," was killed as a result of these experiments. The same is true of experimental subject Number 35, second from the bottom of the page on Page 20. In experiment number 14, identified by the initials A. Zck, the subject was also killed, as was the following experimental subject Number 46. In experiment Number 14, name, A. No., the subject was also killed. On the next page, under Table 3, page 21, of the English translation, we find that four additional experimental subjects were killed, namely, Number 39, who is the fifth number from the bottom of the page; Number 33; Number 35; and Number 36.

JUDGE SEARING: Now, Mr. McHaney, don't you have a duplication there?

MR. MC HANEY: I think you are quite correct, your Honor, I am just now observing that. That is quite correct. There were apparently a total of four deaths, namely, numbers 33, 35, 36, and 39; there being duplication of the three which I read on the first page.

BY MR. MC HANEY:

Q. Now, Herr Professor, must you not conclude on the basis of this report number 7 that Bickenbach and his associates carried on experiments on human beings contrary to the testimony of the defendant Brandt?

A. First I should like to say this report which I have here is not signed. I do not know who drew it up. I did not. I did not work on these experiments either. The report was not addressed to me. I did not read it. It has no connection whatever with me personally. I assume that I am being asked as an expert witness on the contents of the report. Of course, I must admit that there were four cases of death in these experiments. The effect of this hexamethylentetramin was new to me. I did not know about it.

Q. You swear to this Tribunal that you have never seen this report before today, that you know nothing about the experiments which Bickenbach was carrying out. Is that right?

A. I did not see this report before.

Q. Did you ever talk to Karl Brandt about Bickenbach's work?

A. Brandt did not tell me anything about it.

Q. I think you will agree with me that we can assume this report was received shortly after 11 August 1944, that it was sent to Karl Brandt at his office in the Surgical Clinic where you maintained an office two or three doors away from him?

A. Brandt had his office at the clinic, yes, but in Ziegelstrasse 8-9 there were the Third University Polyclinic, the Eye Clinic; the Designer of the University even had his studio there at one time. I do not know what kinds of letters and reports were received by all men who had offices in this big building. I did not read this report -- the whole

this.

Q. In spite of the fact that you were Chief of Brandt's office for Science and Research?

A. I believe I have said this for the second time now - the department for defense measures against gas had nothing to do with me. That was Brandt.

MR. MC HANEY: If the Tribunal please, I offer this Document NO-1852 as Prosecution Exhibit 483 for identification.

DR. SERVATIUS (for Karl Brandt): Mr. President, not the original documents but photostatic copies are presented here. I must make application to have the originals submitted. That is especially important in this case. I must also ask that the report be submitted which led to the finding of the documents. The documents show that the last two reports which are so specially significant here were apparently never sent. They are the first copies - the first preparation - with the original signature which could not have been sent. Page 1 - the cover page - of this collection shows that under No. 6 it says "first copy", and under No. 7 again says "first copy". The first document in this connection is also designated as a "first copy" - also Document 6. The last document is designated as "first copy" on the envelope but inside it says "third copy". The original will show that they are not folded, that they were never in an envelope. For that reason I consider it important that only the originals be submitted. It is also shown that the letters are in part not dated, in part they have the original signature, while in cases of carbon copies there is usually no signature. If one considers that the letter No. 7 is of 11 August 1944 and it seems one knows that Strassburg was evacuated soon after that, then it seems quite likely that these last two reports were not sent, that the originals were left behind and that my client, defendant Karl Brandt, never received them. This is of decisive importance. Karl Brandt on the witness stand said that he knew nothing about these things. Therefore, I apply for submission of the originals and the report by these documents were found, indicating where

and under what circumstances they were found so that one can judge how these various copies were made.

MR. MC HALEY: If the Tribunal please, this folder of reports was received by the prosecution following the time when Karl Brandt had left the stand. Consequently, they were not available to put to him during cross examination. The only things that we have received are the photostatic copies which the Tribunal now has before it. These were received from French authorities. They were found in the apartment of Professor Sickenieck in the folder of which there is a photostatic copy here before the Tribunal. That is all we have. We do have letters and certificates showing where the documents came from. However, I submit that we should not be required to produce the originals since that may very well be impossible since they are in the possession of the French. We will, of course, be happy to produce the letters which we received along with the photostatic copies.

THE PRESIDENT: This exhibit is not now offered in evidence but merely marked for identification or recognition. When the exhibit is formally offered in evidence, it will be subject to any objection or argument that any counsel might have. It would seem that the prosecution might well make an effort to get latest procurer's item of the original document. Evidence is probably available as to where it was found and by whom and when. The letter is not now before the Tribunal because the exhibit is not being offered in evidence. Counsel for the defendant Brandt may make an application to the Tribunal for production of the original document. The Tribunal will then consider the application, the written application, for production of the original document.

MR. MC HALEY:

Q. Witness, I now want to hand to you Document NO-692.

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Q. [illegible] the original [illegible] you if you [illegible]?

A. Yes, that is my signature.

Q. [illegible] Exhibit 157 for identification. Sir, have you [illegible] the commissioner [illegible] School of Engineering, is it [illegible]?

A. Yes.

Q. [illegible]?

A. Yes.

Q. [illegible]?

A. [illegible] "[illegible] which [illegible] to us."

Q. [illegible] first [illegible]

A. [illegible]

Q. [illegible] Exhibit 15, [illegible]?

A. [illegible] this [illegible] 20th [illegible] which [illegible] could [illegible] this [illegible].

Court I

Q. Well, but this I cannot [illegible] fields of research. This document lists of specific [illegible] research grants [illegible] in given the [illegible] where the scientist [illegible] a grant, his name and the subject of research, and I submit that is [illegible] very accurate description which you gave as earlier to by [illegible] simply [illegible] fields of research, I must [illegible] that you [illegible] a list of 650 research assignments [illegible] picked out those 45 and classified them "urgent".

A. [illegible], that's not right. First, we decided which fields were urgent [illegible] 650 in the cards [illegible] research assignments in this [illegible] itself.

Q. [illegible] the [illegible] will be the [illegible] at the top of the [illegible] first [illegible]? [illegible] for the Atomic Research Council - [illegible]?

A. It's quite possible, but [illegible] I don't know. There [illegible] stop [illegible]. [illegible] RPR might have been [illegible] Atomic Research Council. I don't know. [illegible] have [illegible], I don't know. [illegible] I can't [illegible]. I assume there [illegible] ...

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible] certain.

Q. [illegible] the Thermonuclear [illegible] I don't know where this [illegible].

Q. [illegible] Dorty [illegible] go [illegible]

the Tribunal, please?

Now, Doctor, let's look at one of the research assignments in this document No. 692, Prosecution Exhibit 457, for identification. We find your name under #5. "#5 - University Clinic for Surgery Ziegelstrasse (Rostock) - chemotherapy, penicillin". I assume you know what you [illegible] "#85 - First Robert Koch Institute (Gildemeister) - typhus, malaria, [illegible] therapy". You knew Gildemeister, of course?

A. Yes, of course.

Q. Were you acquainted with [illegible] of his research on typhus?

A. No, I was not. This document, which is [illegible] that I have seen, shows very clearly [illegible] the individual [illegible] I knew that Gildemeister was working on [illegible] malaria and chemotherapy [illegible] those things? [illegible] that [illegible] was working [illegible] reports. I [illegible] believe that there is hardly anyone in [illegible] with 500 entries [illegible] still remembers all 500 entries.

Q. Now, [illegible], maybe you can tell [illegible] what those check marks, [illegible] marks [illegible] I see, [illegible] there, [illegible] double check [illegible] identification [illegible] already submitted [illegible] What does that mean?

A. [illegible] - that was probably the planning office [illegible] is the [illegible] military research [illegible] has been [illegible] I don't have any idea. [illegible] Then, the [illegible] "[illegible]" - I [illegible] the research [illegible] possible [illegible] this matter. [illegible] about this.

Q. [illegible]

Court I

A. No. I didn't remember what Circular 75 was.

Q. Did Chief Justice put that in your office?

A. I don't remember exactly. But I think the gist that I got just as I didn't get that. I don't know. Perhaps if I might see the pertinent copy of the I could be of assistance from it.

(Pertinent copy was submitted to witness).

Yes, I think I understand what this contains now. This IPG - that was called Inter-Agency Committee. It was primarily like this. This copy here went to the Field Research Council and Field Research Council Research Council put back checks for plus or minus signs. That Circular 75 which I could not remember as I knew it was, but I recognize circular 75 now. It was a circular issued which Research Council put this check sheets that the works office with the checks for a possible things to the planning office by the military research commission. These checks had come at the bottom - that was sent after the Inter-Agency office.

I think that is particularly.

A. I [illegible] research assignments 42, 43 and 44 [illegible] research work by Fickenbach, Richenbach [illegible]"

A. Yes.

Q. Do you still say that [illegible] in addition to the experiments carried on by Fickenbach?

A. Yes, I just said that [illegible] at the time when the 650 [illegible]. It's [illegible] I did not [illegible] it out [illegible] I knew [illegible] just [illegible] the type of [illegible] treatment.

A. In [illegible] that the research assignments by Fickenbach [illegible] in August, 1944, [illegible] research work of Hirt and [illegible]?

26 [illegible]

[illegible]

4. [illegible]

5. [illegible]

CROSS-EXAMINATION

BY MR. PELLIGRINI (Counsel for the Defendant, Professor Rostock)

Q. Professor, today we have discussed primarily the research work [illegible] of Dichloroethyl Ether. Yesterday, the Prosecution reported [illegible], and is today, the Prosecution repeatedly asked about similar assignments in the field of chemical warfare agents. Due to that, in submitting [illegible] to Dr. Drought, the Prosecution said that your office was in the same [illegible] in Washington. The Prosecution concluded from this fact and asked whether [illegible] all any other agents reports. Therefore, I would like to ask some more questions [illegible] field of toxicant measures against chemical warfare agents [illegible] fields under the office for Scientific Research beginning [illegible] end of the fall of 1943?

A. Yes, such measures against chemical warfare were not under the [illegible] for scientific research. This field was taken over by Dr. Drought [illegible] in connection with a number of other fundamental [illegible] which already existed.

Q. Do you have the guide lecture, on account of which Herr Drought [illegible] in defense of chemical warfare agents?

A. [illegible] Spring of 1944, I believe I did not know [illegible] such lecture existed. Don't be [illegible] such a description I know.

Q. Does it result that chemical warfare questions came to Herr Drought [illegible] in the office [illegible] you know?

A. [illegible] report did not come to us. I did not receive Herr Drought's [illegible]. I did not open it. If we received such a report I assume that [illegible] would have been considered [illegible] for this small [illegible].

Q. [illegible] Herr Drought's testimony [illegible] was a specialized [illegible] Is it not [illegible] your office.

A. Yes, I confirm this.

Q. Now I [illegible] referring to the criticism [illegible] research. The Prosecutor asked a question of you [illegible]

[illegible] matter of the beginning of your activities in [illegible] and during 1943-1944, a whole field of science and research was [illegible] research in doubt. You did not answer this question quite accurately. [illegible] said that [illegible] after taking over this office, what you considered your role and your purpose. It would be interesting to clear up the confusion in this office, the procedure. Which office was created first, the office of [illegible] or the office for [illegible] research?

A. First, the office of planning and economics existed. That was [illegible] office as also. There were four or five or six men, [illegible] office of planning and economics became a political [illegible]. There was [illegible] from [illegible] and [illegible] to further put up political [illegible]. [illegible] in the office for planning and economics was the first [illegible] of the office for science and research. First, the [illegible], as I have said, was to work on the economic basis, [illegible] the [illegible] for [illegible] and to represent the [illegible] interest in this in special [illegible], and [illegible] route problem was [illegible] and closing of the war [illegible]. After that had been done, [illegible] was created which [illegible] for another subject to be [illegible] personally, as I will [illegible] Thursday or Friday. Which I have just [illegible] investigate to [illegible] I will [illegible] on Thursday or Friday. It must be considered [illegible] that I mentioned before.

Q. Do I understand [illegible] correctly if you say that at the time of the [illegible] of the office of the Quartermaster General [illegible] result of the [illegible] scientific questions were [illegible] the forefront. The office for [illegible] to be [illegible] within its field first, but where certain limitations [illegible] research was [illegible] in the field of medical instruments, drugs, [illegible] Is that why the office of scientific research [illegible] ted?

Q. This is true in subject matter but in time.

Q. And the ideas and intentions of which you spoke were added in the course of time?

A. Yes.

Q. The Prosecutor asked you about your position as Dean. You were Dean of the Medical Faculty of the University of Berlin. The Prosecutor also asked you about Professors Gruhnsky and Rose, also on the faculty of the University of Berlin. From the fact that these men were Professors at the University of Berlin and that you were Dean of the Medical Faculty, we concluded that you were informed about the work of these men in the field of research. Can you tell me whether the position of a Dean of a Faculty in Germany necessarily entails the Dean's being informed about the research work of the Professors and does he have any influence on it?

A. The Dean of the German Medical Faculty is in no way a superior of other members of the faculty in a military sense. He is only primus inter pares, most important, that is the first among others. That is shown by the fact that a Dean is changed every year or two. One of his duties was to care for the integrity of the academic instructions. He had to see to it that the lectures which were prescribed for the course of study in medicine were actually held, and he must tell an instructor to hold a certain lecture but if the man did not want to do that, the Dean had no authority to compel him to. He could report it through the Rector, to the Minister.

Q. May I interrupt you a moment. You say that the work of the Dean was only in connection with the instructing work, the teaching work and not research. Did you know that these two Professors were also in charge of research institutes? Did you as Dean have anything to do with that?

A. I was just about to say that as far as the research work of the many members of the faculty was concerned, the Dean had no influence. And if the Dean had come to me in my clinic to check what I was doing in my scientific work, then I would have told him bluntly but firmly it would be none of his business if he discussed something like. I am quite convinced that the other Professors would have done the same thing, depending on their

experiment, but if the Dean had come to me to talk to me as a scientist, then, of course, I would have been glad to let him see what I was doing. Now to discuss the two examples which Dr. McHaney mentioned on Friday: One was a teacher of tropical hygiene. I could have talked to him about and lectured in that field, what he did as a section chief and Vice President in the Robert Koch Institute, and what he did as consulting hygienist in the Luftwaffe had nothing to do with me as Dean, and Rose would probably have refused to let me intervene, quite rightly.

Drugowsky was an instructor, and later extraordinary Professor for Hygiene, and what he did as a member of the SS and as head of the Hygiene Institute of the Waffen SS I did not learn and I had no influence whatever on it.

THE PRESIDENT: The Tribunal will recess until one-thirty o'clock.

(A recess was taken until 1:30 hours)

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24 Feb 47-A
Court No. 1

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 24 February 1947.)

MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is now in session.

MAJOR ROSTOCK - Resumed

RE-DIRECT EXAMINATION (Continued)

. MARSHALL:

. Moreover, the prosecutor already showed you in detail what happened as it prevailed during the restaurant consulting hours. In that connection it was said that after Dr. Mrugowsky's, and after listening to the other lectures on the same subject, a written summary was made. The prosecutor maintained that written summary was sent to the front. Is that correct?

. Respective, as we said that from a summary of the most important points of the lectures, were sent to the experimental centers for the restaurant of consulting physicians. To what extent they were sent and from there does not lie within my . More directives were printed and were sent on in printed form. Does that correspond to what you know.

. Sir, I am asking you correctly if I say that these summaries were sent to the end of the conference, or rather the instructions applied in practice but merely a theoretical summary consisted of the scientific lectures?

. , that is correct.

. Now the prosecutor said that if you call witnesses in coupling . . . . . it would be . . . to examine them. . . . . evidence . . . I also will like you . . . whether it was customary to keep all the . . . lectures, or just at the beginning of the results' . . . of the individual contribution lectures . . . . . Question like that is customary . . .

[illegible] routine. Never know the persons and the situation [illegible] help but smile if they [illegible] in that manner [illegible] if I, for instance, during such a routine, had asked [illegible] to present the material data for at the [illegible] - [illegible]m. It would be translated in a scandal, I think. In our [illegible] concrete example, I did not tell Mr. Goldberg or Mr. [illegible] to present their case histories before the meeting. [illegible] [illegible] and with. Whatever was spoken in [illegible] was taken as fact. All of us who [illegible] totally [illegible] to walk out [illegible] essential [illegible] figures and be quite sure, without investigating [illegible] the results in themselves were correct. This is not to [illegible] scientific [illegible] which [illegible] of the report [illegible] [illegible].

[illegible] last question which I want to put to you [illegible] to Document PD-600, which is Prosecution Exhibit [illegible]. [illegible] were submitted by the prosecutor. You have [illegible] the routine of 28 August 1944, the individual [illegible] of research workers were not [illegible] [illegible] was selected and [illegible] a document. [illegible] approximately 11, 14, or 15 and large [illegible]. [illegible] the document?

[illegible], [illegible] I [illegible] document; I [illegible] [illegible], including [illegible] a [illegible] of such [illegible] but [illegible]. If I classified the [illegible] of research [illegible], there were [illegible] 8 or 9 [illegible] documents were represented, or 1 large [illegible]; [illegible] 1 or 2 research assistants.

[illegible] routine [illegible] shown on the 28th of August 19[illegible]. [illegible] the [illegible] the 26th of September 1944 the [illegible] of [illegible], was or [illegible]. [illegible] this document [illegible] [illegible]

The 1 r a fields [illegible] Room [illegible] . list w r [illegible] thereby
[illegible] wically it [illegible] [illegible] [illegible] [illegible] individual
research institute would work on the a special field according to
the [illegible] [illegible] [illegible] I [illegible] the fields that were designated
as urgent?

A Yes, that is correct.

Q What does the word in parenthesis mean right underneath the heading "Summary According to the 650 research Orders submitted to us; "doesn't that say a certain limitation?

A Yes, certainly. At that time our research index contained 650 research orders. From these 45 were designated as urgent. Speaking figuratively these 650 orders were looked at in view of the intensified situation of the War, and therefore all but 45 were dropped.

Q The question came up here repeatedly whether your card index had very detailed data and I am asking you now whether it doesn't appear from this limited sentence that to a certain extent an excuse was made and people said, "yes, as far as data is available?"

A Yes, that is correct too. Only those fields were selected where the data on the card index would fit into this dozen and a half fields, and what we have here is the result.

Q So from this list one can conclude that you had no detailed data?

A No, we had no detailed data.

DR. FRIEDLA: I have no further questions.

THE PRESIDENT: Is there any cross-examination of this defendant further on the part of any defense counsel upon the matters he testified on redirect?

DR. SEIDL: Dr. Seidl, counsel for defendants Gebhardt, Oberhauser and Fischer. Mr. President, in view of the fact during cross-examination a few points were touched upon which were not yet the subject of direct examination I should like to be permitted to ask a few questions of the Witness.

THE PRESIDENT: Counsel may proceed.

CROSS-EXAMINATION

BY DR. SEIDL:

Q Professor, last Friday you testified that you personally held the point of view that medical experiments on inmates who were condemned to death would not be carried out by you personally, and not even then when

these inmates would be given another chance to be pardoned, do I understand you correctly that you meant to say by that this was your personal conviction and that you didn't mean to say thereby that the question in issue was one of medical ethics generally?

A I said that I personally wouldn't do that, and this personal, very personal point of view results from the conception that I have about the relationship of a surgeon to a human being upon whom he is operating. In the German law in social insurance there is a possibility to coerce a human being to have an operation performed upon him. That is but true for circumvention, through material pressure. That is to say one can approach a human being who had an accident in a factory and you can tell him that he has to improve his condition by an operation and if he refuses to do that he is deprived of certain rights, and that is a very effective pressure which is put upon him. Then I, as a surgeon, am approached with such a demand and a man like that is put into my clinic I try to convince this human being of the necessity of such an operation. If he realizes it and if he is in agreement to it I am performing it. However, if he doesn't realize the necessity then I refuse the execution of that operation. I am doing that on the basis of an experience which I had about 20 years ago in a medical affair, but I am very clear when doing that that this is nothing but the shifting of the problem from myself to some other person.

M. McHANEY: We did not get the last question which was put by defense counsel.

Q I will repeat the question. In view of the fact that this is your personal conviction which you just described, you desisted, or you didn't see any necessity after this lecture of Gebhardt and Fischer to raise any objection against these experiments?

A Yes, that was my personal conviction. It is still that today, and I naturally know that others are of a different opinion.

Q At any rate it is a fact that during that lecture many hundreds of expert physicians were present, of whom none of them made any objection?

A None of them raised any objection with me, and I never heard this was the case with others.

Q You yourself with reference to experiments to test sulphanilamid you would consider them relatively not dangerous, so that you would put yourself at this disposal if you had been condemned to death?

A Yes.

Q Dr. Gebhardt and Dr. Fischer in May 1943 reported on the effectiveness of sulphanilamide; Professor Gebhardt at that time was Major General the Waffen SS; did you at that time gain the impression that Dr. Gebhardt carried through these experiments as a civilian surgeon, a civilian physic or did you gain the impression that he carried them through in his capacit as a soldier on instructions from a superior agency?

A I had the impression quite clearly that he acted upon some order. I don't know upon whose order.

Q Furthermore, you stated that you made experiments at your clinic to find out the effectiveness of this chemo-therapeutically, but that this experiment failed because of difficulties of personnel and material; do I misunderstand you correctly that you meant that these experiments became necessary and in spite of any investigation in this field no clarification had been established?

A The status of sulphanilamide made in the theoretical and practical point of view had been clarified sufficiently.

Q Professor, do you know that shortly before the outbreak of the War, Professor Dr. Kirschner circulated questions to all German accident clinics in order to find out the effectiveness of sulphanilamide on wounded persons and that this circular had no effectiveness and that no material in the cases of thousands of wounded persons had been evaluated?

A I personally know about this circular by Dr. Kirschner, and it was published in the Periodical Publication of Surgeons, and went very much in detail, and it is true that no clarification had been arrived at through that circular.

Q Would you agree with me if I said chemical investigation of occasional wounds during the first fewyears of the War brought no clarification on this question at all?

A That is true, no such clarification was gained, and I explained that during my lecture of 1942.

Q At that time in that lecture you demanded that a basical research should be carried through; isn't it a fact though that alongside of this basical research work a front medical and medical research problem was that it had to be solved as quickly as possible?

A This problem certainly existed.

Q And this was what caused you to institute research groups; what was the basic thought on which you based these research groups?

A I made the suggestion to the Institute, then I myself couldn't do it; the basic thought on that question was that these research groups should be committed at the main field dressing stations. These are the places where the wound was cared for after the first emergency dressing. The staff men who were committed there were to observe these wounded people for so long a time as was necessary in order to survey the development clearly.

Q. I concluded from that that the decisive thing is to test the effectiveness of sulfanilamide on wounded people and that it should be used as soon as possible after the wound was inflicted and there is no purpose in carrying out any experiments on wounded people many days or weeks after the wound was inflicted?

A. The quicker this medicine is used, the more effective it is.

Q. Do you know whether the research group that you suggested was ever created?

A. Only to a very small extent, for we came into the whirl of the invasion of Normandy and Paris, of course, there was no time for any scientific work.

Q. Reportedly the lecture which you, yourself, read in July of 1942 before Himmler and Fischer gave their lecture during the first consultation-meeting of physicians. This lecture, one is found in this green booklet, was the lecture printed the same way as you hold it, or were you until, concerned with concrete?

A. No, not every word was printed, just the high-lights and effects are emphasized therein.

Q. In this lecture the following sentence can be found and I am going to read it to you, I quote: "The big danger of chemical therapeutical work is that it cannot be performed without criticism during the execution of many operative tasks in treating with a wound, that they must not be undertaken because certain hope is placed in chemical therapeutical work." Could you please tell me if I understand this sentence the whole problem is described?

A. The problem is not quite as simple as all that. This sentence means in other words that I should clearly testify to before such an induction to chemical therapeutical treatment and the surgical treatment [illegible] relations, or all chemical treatment. I mean at that time that we were not sure if there was one or the other and finally we came to the conclusion, which is quite obvious, that somewhere in the middle the solution is to be found, that is the surgical treatment is to remain and

[illegible] of [illegible] and [illegible] on [illegible] [illegible] [illegible]

These two viruses will react relatively badly toward this treatment and that is now I remember the results of these experiments.

Q Do you remember when Heydrick was killed?

A Yes, I remember that there was an assination, but I don't remember when it was.

Q You don't remember if it was in 1942?

A No, I cannot say that.

Q Do you know what Heydrick died from?

A As far as I know he was injured by splinters from a bomb and he died either because of the wound infection or from an injury of the stomach or something. I am not quite sure.

Q Do you know who treated Heydrick?

A No.

Q Do you remember Mrs. Heydrick said she was under the impression that the death of Heydrick had something to do with the timing of the Gebhardt and Fischer experiments?

A Did he say that here?

Q You will recall this he said that, yes. I just wondered if you knew whether or not the fact that Heydrick died of a wound infection had anything to do with the timing of these sulfonilamide experiments by Gebhardt?

A I did not know that at that time.

Q Did you ever hear any criticism of the handling of the Heydrick case on the grounds that they did not use enough sulfonilamide?

A No.

Q I have no further questions.

DR. FLORIDIA: Mr. President, with the permission of the Tribunal, I would like now to call the witness, Dora Christiansen to the witness stand.

THE PRESIDENT: The Tribunal has some questions to propound to the witness.

JUDGE SEBRING: Dr. Romack, as I understand your testimony, it was

that as Chief of the Office for General Science and Research you were concerned with broad, general questions of research as they came up during the war, rather than with particular questions; is that correct?

THE WITNESS: Yes.

JUDGE SEBRING: In other words, within the sphere of your competence, you would consider in a general way the broad question of whether or not typhus research should be given a certain priority or certain other types of research without paying particular attention to specialized or particular projects or institutes within that field of research; is that true?

THE WITNESS: Yes, that is true.

JUDGE SEBRING: I wonderfully if you could give us some information about this matter. You have testified at length about broad, basic research problems or projects and perhaps you can tell the Tribunal something about the particular or special projects within the broad general field, let us assume, for example, that during the war the question of the most effective means of treating severely chilled or frozen persons became a question of great importance to a certain branch of the Wehrmacht. Let us say it became a question of great importance to the German Army, for example, and let us assume further that in order to find the answer to that important question, it was felt desirable to conduct special research on experimental human beings for the purpose of investigating the treatment or the most effective means of treating persons who had been severely chilled or frozen; is that correct in my assumption?

A. Yes, I think I have understood you.

Q. Now then, can you tell us if the Tribunal what governmental agencies or officials within the framework of the German government had been had the authority to determine, order or direct that special research, for the purpose of determining the question, should be conducted?

Let us start at the top. For example, I suppose that Hitler, as Commander-in-Chief of the Wehrmacht could have determined or ordered or directed that such experiments be carried out; is that true?

A. In my opinion, which after all concerns a legal question, the Chief of the State, in such a Prussian state system, must have had the possibility to issue such orders. Whether legally or informatically he was authorized to do that, I don't know.

Q. I understand. Now then, could the Chief of the OKW have had the authority to enter such an order, directive or determination?

A. I don't believe so, for as the Chief of OKW there was no concentration camp subordinated. He had no influence there at all; that is, from what I know of this organization.

Q. Would the Chief of the OKW have had the authority to determine, order or direct that special research for the purpose of determining questions should be conducted? In other words, what I am interested in is this question: what officials or agencies within the framework of the German government had the power to determine these questions, and then, if so, what official controls and such determinations, orders or directives really came to bring about the execution? Do you understand the import of my question?

And in this question, if you take my assumption to be correct, there is the problem: first, of determining that special research shall be conducted. There is the question, second, of determining just certain specifically named or that round-about personnel, doctors, researchers and the like, should be assigned to such special research problems. Finally, there is the question of the determination of the installations or establishments or laboratories in which such research should be conducted.

Fourthly, there is the problem of making concentration camp inmates available, not on paper or not on theory, but actually available to that laboratory as experimental subjects. And fiftyly, there is the question of the assignment of transportation facilities, not on paper but actual facilities to go to the concentration camps to get these people and to bring them to the laboratories.

Now then, if you have my overall question, can you tell me as a matter of official, executive or administrative routine what government agencies or officials within the framework of the German government would have had the authority to determine, order or direct these things to be done and to be completed with all the facilities available to them for the completion of such project?

A. At first, I was not an authority about any executive or administrative matters as I just mentioned. For instance, the cold problem, to further this cold problem by way of experiments a directive can emanate from nobody as people as long as the human being isn't being considered as a subject. When the human being is being considered as a subject in any form, then this probably would be the real scope of activity of any scientific institute in Germany.

The director of this institute can experiment on voluntary collaborators, on his students, on his medical assistants, of course, but that, of course, is very limited. So, beyond that, had authority to place human beings at this disposal I didn't think about before. Now, of course I have thought about it. And, when thinking about this problem, I arrived at no solution either how scientifically one could solve that problem without coming into conflict with the penal judge. Here, during the trial, I heard that concentration camps were subordinated to Himmler. Whether he had the unlimited authority to dispose of the people there, or whether he had to ask a yet higher instance; that is, Hitler, is something that is outside my knowledge completely.

THE PRESIDENT: Are there any further questions to be propounded to the witness?

(No reply)

THE PRESIDENT: Defendant R stock is excused from the witness stand and will take his place.

(Witness excused.)

THE PRESIDENT: The Marshal will summon the witness, Heinz Christensen.

HEINZ CHRISTENSEN, a witness, took the stand and testified as follows:

JUDGE SEBALD: Please raise your hand and take the oath, repeating after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBALD: You may be seated.

DIRECT EXAMINATION

BY DR. FRIEDLA: (Counsel for defendant R stock)

Q. Witness, would you please give the High Tribunal your personal data?

A. My name is Dr. Heinz Christensen. I am a physician. I live in Baden, Prinzenmattstrasse 30.

Q. When were you born and where?

24. [illegible]-1-[illegible]-1-1-Rostock

Part I

1. I was born on the 9th of April 1911 in Berlin.

2. [illegible] you please briefly describe your professional career and immediately [illegible] Rostock?

3. I studied medicine from 1930 until 1936. I took my medical state examination and became my medical studies. This included a terms [illegible] half year [illegible] clinical treatment, mostly surgery, in internal medicine. On the 1st of April 1940 I was assigned to the medical service of the army as a reserve soldier. Later, contrary to short military service, I was further used exclusively as a physician.

During the spring of 1943 I was temporarily assigned to Professor Rostock, to the surgical clinic. Since I worked in that clinic, or rather, at the [illegible] Department, which was under the leadership of Professor Dr. Stetch [illegible] the short experiences of the first [illegible] in surgery [illegible] Professor Rostock [illegible] clinical laboratory work.

Professor Rostock, at that time, was the consulting surgeon with the Army medical inspector. I first [illegible] the [illegible] Professor Dr. Rostock. I had only [illegible] Professor Dr. [illegible] his lectures [illegible] the [illegible]. After [illegible] I was assigned to a medical [illegible] in December 1943, returned to Berlin. I then worked as a medical assistant at the reserve hospital [illegible] surgical polyclinic [illegible] lecture assistant to Professor Rostock. Professor Rostock at that time [illegible] research [illegible] scientific activity [illegible] any [illegible] allowed too.

[illegible] research [illegible] science [illegible] this [illegible] to [illegible].

I [illegible] myself, [illegible] research, [illegible] research [illegible] research?

Cont :

4. You, practically this [illegible] until spring 1944 was carried on in such a manner that we [illegible] elements who [illegible] been asked to collaborate, dealt with that [illegible] things which Dr. Hartock gave us [illegible] clinical [illegible] that is, after the [illegible] office hours.

Q. In this case, we are mainly interested in the activity of Professor Rostock as a leader of the Department of Science and Research. Where was Professor Rostock's agency in this capacity?

A. Until the spring of 1944, you could hardly speak of an agency. As I said before we medical assistants of Professor Rostock had to bear our clinical duties first. At the clinic only one additional secretary had been hired and who only worked there for half days in order to deal with the work which was connected with the new activities which had been taken over by Professor Rostock. In the winter of 1943 and 1944, the air raids increased on Berlin to the extent that the clinical work had to be limited. At that time most of the clinical work was done in air raid shelters and cellars. Working rooms were furnished in Boelitz. Boelitz was about one hour distance from Berlin by car.

Q. Did you, yourself, continue to stay with Professor Rostock, and continue to work where he was?

A. Yes, up until the end of February 1944 I was active at the clinic at Hindenstrasse. After the new office was furnished at Boelitz I repeatedly went to the clinic in Berlin together with Professor Rostock.

Q. Witness, what did Professor Rostock tell you when you commenced your activities at the Department for Science and Research?

A. Professor Rostock gave us information about the situation of the medical research as it prevailed in Germany at that time. He explained that by and large there were two groups; on one side there was the civilian sector, that is to say, mostly university clinics and university institutes, and on the other side was the armed forces branches with their independent research sections. Every one of these research groups had the aim to maintain their research field and to expand it as far as possible. On the other side, difficulties as they resulted from the war, that is to say, the scarcity of personnel and material played a decisive part, and it was his aim to create some kind of a coordination between these two units. As a university professor he was mostly interested in maintaining the research in the civilian sector. Contrary to other countries, in carrying the research work connected with the

civilian sector had become particularly difficult since a number of research workers had been drafted into the Wehrmacht. He, himself, said that it would be a false conclusion to assume that the highest values were to be attached with special results from the war, for if at any time basic research work was to be dropped, this would bring about a considerable harm to the entire medical research work in Germany.

Q Would you please describe how the activites were practically carried on in this Department of Science and Research, and also what your special task was?

A There were four medical assistants who helped Professor Rostock in his new work. He divided the entire scope of the tasks amongst us four assistants, and he divided this according to the individual subjects of medicine such as surgery, internal medicine, and-so-forth. The practical way in which the work was carried on was the following: His mail was dealt with by the first secretary, the mail was opened and presented to Professor Rostock for his perusal. Professor Rostock made notations on the various letters and then passed the matter on to his assistants in order that we could deal with them. We, then, returned those matters to Professor Rostock who looked through them, and sometimes signed them. Then those matters went back to the secretary of Professor Rostock, who took care of the mailing, and who registered the matters according to the various expert fields. I, myself, mainly had to deal with tasks relating to internal medicine in accordance with my pre-medical education, children medicine, physiology, hygiene, and later the compilation of the medical research card index system.

Q What were the material things with which this agency dealt?

A From the very beginning there was not a definitely defined circle of tasks. The individual tasks developed only during the course of this one year.

Q Excuse me, you are not speaking about the year 1944?

A Yes, 1944. The circle of tasks that especially crystallized were the following: Professor Rostock was mostly interested in basic research. In that connection we dealt at first, the penicillin and bacteriomicros

work, and other work was done in brain research work, and tissue culture. In connection with basic research, Professor Rostock endeavored to maintain high scholastic work in research. A further point was the maintenance of medical literature and the creation of an information periodical about medical literature that was printed abroad. It was at the end of 1944 when the commanding functions of Professor Rostock increased, and which was in connection with the limitations of production, in the field of the productions of drugs, and in the field of the production of medical instruments. In order to explain the functions of Professor Rostock, I shall say, for instance the efforts he made in order to enforce medical literature. Professor Rostock personally did not form a resolution as to what future medical educational books were to be written and edited, but there were working committees available who, as I stated, in that case, were working with the Ministry of Education, and some representatives of the Ministry, and who from their side stated which books were really needed and which ones were available in order to produce medical educational work. In addition representatives of the various scientific institutions were present, who, from their point of view, stated what their production facilities were in order to decide which books were to be published. There were medical experts available who were neither subordinated under Professor Rostock nor dependent on any direct state institution or the party institutions; therefore Rostock was asked to attend these conferences on the basis of his knowledge as a university teacher, and he was expected to see that, for instance, in the case of medical textbooks, [illegible] used by the student. The decision of which books were to be published was based with the whole conference itself. The question of the limitations of the production of drugs was a similar matter.

Q. How was the so-called card index system compiled and what led to it?

A. It is perhaps important that at the outset I speak about the extent of the so-called card index system. This card index system cannot be compared to perhaps the card index systems as they were described here in the press and as they are available in the United States where modern means of statistical procedure were used in order to build up large scale card index systems, perhaps according to the so-called Locke's system, with various sets about the various research workers, how they worked and where they worked, and so forth.

This card index system I am speaking about consisted only of two card index boxes. These contained perhaps six to seven hundred research assignments. The research cards were perhaps of the size of a postcard; and one card index box contained the data in alphabetical order of the research workers, whereas the second card index box contained the same research assignment but only according to the expert fields they belonged to. This entire card index system was here only for the purpose of helping Professor Rostock gain some survey as to what research work was being carried on in Germany.

In the summer of 1944 Professor Rostock wrote to the Reich Research Council and to the individual Wehrmacht branches and asked that he receive reports on the current research assignments. Later the Reich Department for Building and Economy was added. It distributed research assignments covering the pharmaceutical field.

Q. Either, I shall put a few questions to you later with reference to the card index system; and I should now like to ask you something about your own special field. You have already stated that your field was especially interest in medicine and hygiene?

A. Yes.

Q. Is it to be understood that you worked on all the incoming and outgoing mail concerned with these special fields?

A. Yes. As I said before, Professor Rostock in accordance with the wishes of the Reich gave us the mail in order to have it prepared.

Q Did that also refer to mail which was designated as secret?

A Yes. The secret mail was dealt with by all the assistants at the clinic. I therefore had insight into all secret mail that came in. Our secret mail comprised mostly the reports of the various research stations about the current research assignments as well as reports about medical literature abroad. Altogether this secret mail was really very small in extent.

Q Witness, beyond your field did you gain a certain insight? Did Professor Sudeck ever call the staff together and discuss all the events and problems as they were connected with his work?

A Yes. Professor Sudeck often came to work and a number of discussions took place, the assistants. He especially wanted everyone of our assistants to be well acquainted with the field of work of the others. That was the particular reason that we were repeatedly present at the clinic in Dallitz; and I will mention that if the assistant was present at Dallitz was in a position to deal with any questions that might come up, at least in broad outlines, and we also knew something about the other fields of work.

Q Now, if I understand you correctly, the assistants represented one nation, too, and scientists represented different nations, too?

A Yes, that also happened. In addition, if a guest on vacation, someone came to work over and did a lot of work. While we were working there, the fields of work were changed around.

Q During that entire period that you served there, did you at any time or at any event from which you could conclude that on any field anywhere in Germany experiments were carried out on human beings?

A No. From the material which we received in such cases nothing which is wrong.

Q Do you know any event or circumstance? Even if you read an article, did you find in the field of your work that is not also true or could you draw such a conclusion?

A No, I did not hear such thoughts throughout the entire time.

Q During the discussions in Fresenhof between the assistants, do there any mention made of something like that?

A. No, never were any indiscreet experiments mentioned -- and I mean experiments which are now being described as indiscreet. Also in my conversations with the other assistants we never discussed those matters; as we certainly would have spoken about it if it had been true.

Q. Why do you think that you would have spoken about it if any such matters had come up?

A. For us physicians those would have been things which we wouldn't have been used to at all.

Q. From your own knowledge have you had any hint causing you to believe that Professor Bostock knew about such matters?

A. No. No hint at the time. Judging from the scientific work of Professor Bostock at the clinic, I only knew about the things which fell exclusively within the framework of the general medical field of science and research.

Q. Did you at any time hear the name of Professor Haagen in Strassburg?

A. Yes. Professor Haagen is known to me as a well-known bacteriologist and virus research worker.

Q. Was Professor Haagen mentioned in the material that you dealt with?

A. I can not clearly remember that. I can not clearly remember having listed Professor Haagen in my card index system.

Q. Did you know Professor Haagen personally?

A. No, I didn't know him personally.

Q. Do you know whether there was any correspondence between Professor Haagen and Professor Bostock regarding things of any kind?

A. No, I know nothing about that.

Q. Would any such correspondence have come through your hands since you dealt with fields of internal medicine only?

A. According to the procedure that was customary with us, I certainly would have heard something about such correspondence. If it hadn't been made entirely personally or perhaps by Professor Bostock, himself, it would have been according to custom that it would come to our registration office, which I was then dealt with in turn.

Q Do you know whether Professor Hagen was with Professor Rostock in Berlin at any time?

A I don't know that.

Q In what form were reports made by other agencies about research assignments, assignments which were worked upon in the card index system?

A From the various agencies we received certain lists about the research assignments which had already been distributed. These lists contained the following data: The name of the research workers, sometimes including the number of the assignment, the term of the research assignment, and in the case of assignment of the Dutch Research Council mostly data at what clinic the work was performed. In addition in some of the cases the priority number and the value of the assignment were laid down. Information about the research assignments were supplemented from time to time by additional reports which were sent to us. We didn't only receive compilations of lists from the Dutch Research for Aviation Medicine, but we also received assignments sent down on small pieces of paper and on those pieces of paper it was stated, for instance, that we were concerned with a new therapeutical task. From [illegible] we started and had to start in short notice [illegible] application [illegible].

THE PRESIDENT: The Tribunal will now recess.

(A short recess was taken.)

[illegible]

[illegible]

[illegible]

carried out. As a result of the increasing air raids and the destruction of institutes, the execution of the research work by clinics and institutes was, to a large extent, interfered with. University professors repeatedly told us that they could work only under the most primitive conditions and try to carry out at least part of their work--their research. We, naturally, could understand these difficulties caused by the war very well from our own work at the clinic. It would, therefore, have been completely unfair to try to interfere with individual research problems at that time. The aim of establishing the research staff indeed, the idea that Professor Rostock had in mind, was originally to give research information to himself and particularly to give his decisions as to where basic research was being conducted and where specialized research was being conducted. This basic research, which was especially important to Professor Rostock, was, as I have already said, at a distance from problems as against specialized research. In my case, Professor Rostock did not interfere with my individual research problem.

Q. Now, this morning the prosecution submitted a document. This was dated on the 26th of August, 1944, there was a meeting at which a number of agencies were represented. Did you, as Professor Rostock's assistant, participate in this meeting?

A. Yes, there was a meeting at Salzburg which I remember. As far as I can remember, there were present from the Reich Research Council, Professor Sparmann and Professor Scarcher, and the heads of the sections to the Chief of the Wehrmacht Medical Service.

Q. At this meeting there was discussed what research was important to Germany and vital in those last months of the war. Was this done in the form that the individual institutes, research workers and subjects for research were discussed, or were certain fields of research in an extensive nature designated as important or less important or unimportant?

A. No, individual research participants were not discussed. The heads of the individual research departments or their representatives, in the form of short ten minutes, gave a general survey of the most important

[illegible] research point [illegible]. As far as I recall, [illegible] Professor Kostock [illegible] a certain number [illegible] subjects were to be considered especially important.

Q. Did Professor Kostock play a decisive role in this meeting, or was it a section of experts?

A. No, as I said, the [illegible] individual research [illegible] points were especially important in this field. Professor Kostock spoke primarily [illegible] the civilian sector and [illegible] considered particularly important. As far as I recall, there was an invitation to the Reich Registrars' Leader who should have represented the civilian sector, but Dr. C did not appear.

Q. As for the fields for which Professor Kostock spoke and which [illegible] especially important were there included the field of chemical [illegible], or did you have the impression that [illegible] spoke in favor of this field?

A. I cannot say that [illegible] especially about chemical warfare agents, but it is possible that [illegible] Kostock's [illegible] the question of chemical warfare agents was designated as urgent.

Q. But neither in Kostock's [illegible] at it's [illegible] - primarily - did you think about this?

A. I remember that quite [illegible]. That was not an [illegible] Kostock's sphere of work. [illegible] we contents over was [illegible] anything [illegible] in this respect by Professor Kostock.

Q. [illegible] trial that the yield of defense against chemical warfare agents was tried in by Professor Brandt. [illegible] correspond to your appraisal of the facts?

A. Yes, we know that defense against chemical warfare agents was tried in by Professor Brandt.

Q. Did reports on chemical warfare come to Professor Brandt's [illegible] other reports came to the attention of Kostock's group?

A. [illegible]

Q. [illegible] Nuremberg, [illegible]

[illegible] by Professor Rostock. This list was [illegible] from a chart that [illegible] books [illegible] the [illegible]. On, in this list, the fields considered [illegible] are listed [illegible] the right, and on the left are [illegible] the institutes in which [illegible] are [illegible] in these fields. Do [illegible] prepare this list?

A. I cannot remember my exact list. I would have to see it.

Q Here we are interested only in determining whether the individuals were designated at the meeting itself or whether this list was drawn up afterwards, and the files designated as important were taken out and the card index entries were used. You yourself cannot remember having prepared the list?

A No, I did not prepare this list.

Q Is it possible that you were absent at that time and that your assistant or a secretary drew up the list?

A That is possible. In any case, I myself did not prepare the list. I would be grateful if I might see the original. Perhaps I can tell from some indication who prepared the list.

DR. MERRILL: Mr. President, I do not know whether it is important enough or if the Court would like to show the witness the original so that he can decide it.

THE PRESIDENT: If the original is available it may be shown to the witness.

(Witness is shown the original document.)

DR. MERRILL:

Q Witness, please look at the original and tell us whether you can say for certain who prepared this list.

A No, I cannot see anything new from this. I see only from the subjects which are listed that they came from those groups which were designated as "urgent" or as "essential."

Q Are these notes at the bottom of the first page — do they refer to things in your office, or do you have the impression that they were added later by the Kaiser Research Council to whom this list was sent?

A They are apparently some notes put on by the office which received the letter.

Q Do you know Circular No. 5?

A No, we did not issue any circulars on research matters.

Q Thank you. Will you please return the original?

(Document is returned.)

Witness, do you know what position Professor Rostock had in connection with the Reich Research Council?

A. No, I do not know that exactly. I heard from Professor Rostock once, in conversation, I believe it was the end of 1944, that he became deputy in the board of directors of the Reich Research Council.

Q. Could Professor Rostock, in the Reich Research Council, have had responsible activity in issuing research assignments which the Reich Research Council issued?

A. I am not informed in detail about authority within the Reich Research Council. I can only speak of the work under Professor Rostock, and I never saw any letter in which he made any decisions for the Reich Research Council. On the other hand, I saw there a letter from Professor Rostock to the Reich Research Council in which he made suggestions for working on subjects in the field of disease cultures, which interested Professor Rostock particularly. If Professor Rostock had himself had the opportunity of issuing research assignments for the Reich Research Council, he would have done it directly.

Q. Now, I understand. Witness, I shall show you a chart, which Document 2, Exhibit 1, in the Rostock case. It shows the activity of Professor Rostock. Can you confirm, from your own knowledge, whether that is an approximately correct distribution of his activity?

A. This concerns the years 1939 to 1945. I can speak only of the time I worked with Professor Rostock, from December 1943 until Professor Rostock moved to Liebenstein, at the end of February or beginning of March 1945. For this time the distribution shown by this chart is correct. During the time when Professor Rostock was at Tübingen a great overall part of his activity was taken by the work for the clinic and his scientific work. I can specifically state that this bacteria or rickettsia were always used by him in his scientific work.

Q. Witness, what activity did Professor Rostock always consider his main activity--his main activity?

A. Professor Rostock was Generalarzt of the reserve but he did not attach any value to being called Generalarzt. In the office, not only the staff but everyone generally, called him Professor. He always placed the greatest value on his position as a university professor.

Q. What was the relationship of Professor Rostock to his associates and his patients?

A. The basic characteristic of Professor Rostock is a very external general respect for other persons. As assistants of the head of our clinic

A. Stabsarzt and Generalarzt, we always were especially entitled to hold this respect for our, I ought to say, civilian personality, and always possessed it. The notes which he put on the letters did not take the form of orders to "take care of this" but they usually said "please see why there is a research assignment." And he did not say "tomorrow morning at 9 you will drive with me to Berlin" but he said "Mr. Christensen, would you kindly come to me to Berlin with me tomorrow morning?" These are, perhaps, only external matters which hardly deserve to be mentioned, but they characterize Professor Rostock. He was not merely a military superior — emphasized the human contacts. From the work in the clinic I know the patients' attitude toward Professor Rostock. He was not the superior scientist and the clinic chief who just rushed past the patients, but they themselves emphasized how pleasant it was that he was not only a doctor and a good surgeon but was interested in them as human beings. Especially in the time of frequent air raids on Berlin, we saw Professor Rostock's care for his patients. Night after night he slept at the clinic in order to direct the removal of the patients to the air raid shelters if there was an alarm, and he also took charge when fires broke out in the clinic, as frequently happened.

Q. He took charge of putting the fires out, you mean?

A. Yes.

Q. Did you know Professor Rostock personally through your work, — if you know him very well?

A. Yes, of course we had personal contacts with Professor Rostock.

Q. Then at the end will you please tell us what your impression of him as a doctor and a human being, whether you consider it possible, in view of your knowledge of his personality, and his work, that he had any connection with criminal experiments on human beings?

A. I know Professor Rostock only as an outstanding scientist and a good doctor. I know him personally as a decent, clean, character. I can imagine Professor Rostock having any connection with anything of a criminal nature. Whoever knows Professor Rostock personally and knows his human feelings very, very well, knowing how soft-hearted he is, cannot imagine that he would take any such spiritual burden upon himself.

Q. Thank you. I have no further questions.

THE PRESIDENT: Is there any cross-examination of this witness as far as any defense counsel are concerned?

(No response.) There being none, the prosecution may examine.

CROSS-EXAMINATION

BY MR. RAMEY:

Q. Witness, you are familiar with the activities of Professor Roetock in his capacity as Chief of the Office of Medical Science and Research under the defendant Brandt; what is the basic purpose of this Office of Medical Science and Research?

A. As I said before, I can't give any closely defined set of duties. There seemed to be essential when I worked under Professor Roetock was the medical advisory function in various practical questions in medical science and research.

Q. Then you are not of the opinion that this office was set up to contribute scientific research?

A. According to what Professor Roetock told us assistants at the beginning, he wanted to contribute to the various research institutes, as I said before. The fact that Professor Roetock took the work on into his office did not permit that to be done.

Q. Well, now, you have stated the purpose of this card index file was to assist Professor Roetock in the various research assignments, such assistance which necessary I presume in order that he could have capably coordinated the various research assignments; is that true?

A. Yes, Professor Roetock wanted to get insight into the work going on.—

THE PRESIDENT: The translation system is not working. We will be recessed for a short while if it is in order.

(Recess.)

Q. Now, my question, witness, was the purpose of this card index file was that he could have capably contributed to these research problems, is that true?

A. Yes. This card index was set up in the summer of 194[illegible], because

Professor Kostick was confronted with various questions connected with research assignments. For example, University Professors approached him and asked him for support in establishing their own research work and on the basis of this card index he was able to see whether he could consider this work especially important, or whether similar work was not being done somewhere else.

Q So then it was his job to avoid duplication of scientific work, wasn't it?

A Yes, I assume that carefully avoiding duplication was planned, but on the other hand I know from what Professor Kostick told us that he was completely opposed to interference in the work of a research worker. He told us verbatim and repeatedly that the supreme principle always had to be that my research work could be carried out freely. I do not believe, therefore, that he had the intention of interferring in anyway in the research work itself or regulating it, but he told us and as we had the impression, he relied on the intuition of preserving as much as possible of the research being conducted, especially basic research in the civilian sector, in which he was especially interested, and which he considered especially important as a fully qualified scientist.

Q Well, now naturally his job was to avoid duplication of scientific work in the civilian sector as well as research problems, then this was within the sphere of the Führer's Decree, which gave Karl Brandt the authority to establish the Office of Science and Medical Research, wasn't it?

A Yes. I do not know how the assignment read which was given to Professor Kostick. I can only say what we could know from our practical cooperation.

Q Well, now, you have stated in direct examination that these index files contained 150 [illegible]; if it merely contained the data that would be fully sufficient for this research work and being carried out, how could Kostick avoid duplication of scientific work without knowing precisely what the original problem was, right?

A. That shows that Professor Hostock, by no means intended to intervene in such cases of duplication. He merely wanted to get orientation on the research work being conducted to be more or less informed on what was being done by the individual people. The subject given does show whether in the field of war research, for example, 50 or only 5 people are working.

Q. Well, would you turn to that document you have in front of you, which is NO 692, which has been offered for identification as Prosecution Exhibit No. 457. The list you have in front of you, witness, this particular list, the subject: "The List of Medical Institutes Working on Problems of Research which were Designated as Urgent by the Discussion on Research on 26 August 1944 in Berlin." The last sentence in parenthesis states, "Questionnaire in connection with the 650 Orders on Research Submitted to Us." Does that clearly that the purpose of Dr. Hostock requesting reports on these various doctorates was merely for orientation purposes?

A. Originally Professor Hostock had the card index set up only for his information. I can remember very well how that happened, a very simple problem indeed. Later some other restrictions were necessary, and it is very true that were discussed at between the heads of the individual research departments and Professor Hostock, using the card index which he already had.

Q. Now, as I understand it there were 18 fields of research of the utmost importance, that is critical and urgent, and Professor Hostock had received 650 orders for research in order to determine their urgency, and of those 650 orders he only selected as urgent those which fell into any one of the particular 18 different fields. This document lists the institutions, the work they were doing and acts as priority ratings; now the Reichsforschungsrat Council has received this list; what is the recipient to do with it, what was the purpose of it — did they just read it in any "Wochenschrift"?

A. No, on the contrary, I don't think so, but I do not know for what purpose the Reichsforschungsrat Council received this list. I do not know what

connection the Polish Research Council met with the Institutions listed here, whether they were directly under its orders or whether it was merely informed. I do not know whether such a list was not sent to each participant in the discussion, including the Polish Research Council.

Q. Then the priority rating set up here could not be filled in your opinion, that is Professor Bostock here has selected 45 different research centers out of 650 as urgent to have priority; do you mean to tell me that this list drawn by Professor Bostock has no effect whatsoever upon the recipient? We could very well have omitted a very important assignment and the recipient would never have had an allotment of the assignment, hence this very important assignment on behalf of another institute wouldn't receive the priority rating, and therefore wouldn't get the personnel necessary, isn't that possible?

A. The original of the subjects stated there is not to be understood to mean that Professor Bostock on the basis of the card index set up the subjects, they are the fields of work which at a joint discussion of the heads of all research organizations were designated as urgent. Professor Bostock did not assign a priority to the individual fields of work. At this discussion the individual heads of the research organizations designated individual fields as urgent. Then at the end Professor Bostock summed it up and said that the following 18 or 20 points of research are considered especially urgent today. This research had all been gone into for a long time, and it was merely to ascertain what were the questions to be considered essential. I do not know whether on the basis of this list anything was done, any steps were taken. It was fully planned that the institutions listed here were to get special protection and were not to suffer from the limited choice of research institutes which had been planned for the civilian sector.

Q. Now, Doctor, did you ever request reports on special research assignments, that is during the time you were in Rostock's Office?

A. I mentioned the Reichs [illegible] for Economic Expansion. This office dealt with work in the [illegible] technical field. I knew only the part of the work which affected medical matters. [illegible] the [illegible] from the point of view of production, which of the individual medical instruments [illegible] to be produced. The [illegible] Office then [illegible], I [illegible] at the [illegible]. [illegible] there the request [illegible] [illegible] asked [illegible] which [illegible] the [illegible] point of view of production. [illegible] Reichs Office for [illegible] Expansion, [illegible] assignments [illegible] scientific institutes, we [illegible] requested reports on the [illegible] already [illegible] whether there were any tangible results or if progress had been made in that field [illegible]. These reports were given so that we could see and [illegible] whether it was [illegible] this work. [illegible] I know [illegible] in the Reichs Office for Economic Expansion. Of the other research assignments, we got [illegible] only occasionally—that is, [illegible]. For example, if [illegible] of the particular [illegible] in [illegible], [illegible] for [illegible] the [illegible], [illegible] possible, etc. [illegible] fields [illegible] informed [illegible] some [illegible]. For example, I [illegible] the [illegible], that [illegible] that [illegible] may [illegible] research. [illegible] which [illegible], then we [illegible] on it.

Q. By that, you mean [illegible] which was [illegible] and [illegible] Dr. [illegible] Hirt, [illegible] in [illegible] the chief of the [illegible] Research Office of the Reichs [illegible].

A. Yes, of course [illegible] could have asked the [illegible]. I [illegible] it [illegible]

[illegible]

[illegible]

[illegible]

The ASSESSOR: Are there any further questions to be put to, or asked to be referred? If not, the witness will be excused.

The Tribunal will now adjourn until 9:30 [illegible] morning.

(The Tribunal adjourned at 1625 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, Defendants, sitting at Nurnberg, Germany, on 25 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, the Defendant Oberheuser is absent due to continual illness; all other defendants are present in court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court with the exception of the defendant Oberheuser who is absent on account of illness in accordance with a doctor's certificate which has been filed with the Tribunal and which the Secretary-General will note for the record.

Counsel may proceed.

DR. FIDELIA (Counsel for the defendant Rostock): Mr. President, with the permission of the Tribunal, I should like to call the witness Maria Karlsotter to the stand.

MARIA KARLSOTTER, a witness, took the stand and testified as follows:

THE CLERK: Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

[illegible] MR. TERRILL:

Q. Witness, please tell the Tribunal your name.

A. Maria Karlstetter.

Q. When and where were you born?

A. On the [illegible] of July 1912 in Brünnsdorf.

Q. You were the first secretary of Professor Rostock?

A. Yes.

Q. In which of his capacities were you his first secretary?

A. I was secretary for the Office of Science for Research.

Q. When did you take this position and how long did you work in that capacity?

A. I took the position at the beginning of May 1944, and in the middle of January 1945 I left.

Q. Did you attend in a clerical between occupied?

A. Yes, I had worked for more than six years at the Berlinal University and in Prague as a clerical secretary.

Q. Did you be familiar with all questions connected with clerical business?

A. Yes.

Q. Did you prepare notes as the secretary of Professor Rostock in the Office for Science and Research?

A. I had to open the incoming mail and to check it to get the necessary notes out of the file., then I passed the mail on to Professor Rostock and distributed it to the individual assistants. I was also in charge of filing all incoming and outgoing mail. I had to put a correspondence on each colleague who had to arrange it could see from their [illegible] the correspondence were. I also took dictation.

Q. Professor Christensen performed experiments that he worked on itself and also received also the mail referring to these fields. Do I understand, did you also do that in your case you saw all the mail, incoming and all of the outgoing mail?

A. Yes, all the mail went through my hands. Professor Rostock noted this and in a conference he asked the secretaries and assistants to give all letters and carbon copies to me so that all the correspondence would be in the hands of one person.

Q. So that everything would be in the hands of one person, that is, in your hands?

A. Yes.

Q. Then, in your work did you have to take note of the contents of the correspondence?

A. Yes, I had to take note of the contents because I could see only from the contents what it was about, and because I had to know the contents in order to know where to file the individual letters. Professor Rostock asked me to know the contents because he relied on my memory.

Q. Do your statements also refer to the secret mail?

A. Yes.

Q. Now, in the correspondence which went through your hands did you ever find any indication that any agency in Germany was conducting experiments on living human beings?

A. No, neither in the research card index, nor in the reports of other agencies used in setting it up, was there ever any information which could have led one to conclude that such experiments were conducted; and it is the rest of the correspondence I know. I can say this certainly since it is something that I would have noticed and which I could not have forgotten.

Q. In the course of your activities did you encounter any other circumstances which could indicate such illegal human experiments or which would indicate that Professor Rostock knew anything about it?

A. No, I never heard of such experiments, not from conversations either of the assistants among each other. They often discussed various official letters and they would certainly discussed it if they had know anything about it, and I never encountered anything that would have indicated that Prof. Dr. Rostock was informed about such experiments.

Q. Did you activities also extend to the card index?

A. Yes.

Q. And does what you have said apply to that also?

A. Yes.

Q. You worked on this too?

A. Yes, I worked on the research card index too; I worked on the research card index. I wrote the cards according to the reports, in the form of lists, which we received from various sources. I copied those lists in the card index, after Dr. Christensen had ordered them, according to their contents, according to the field.

Q. Then you had to see the material on which this card index was b-

A. Yes; I had to know this material too.

Q. What indications did these cards and the material on which they were based contain?

A. The name of the research worker, the subject of the scientific in which cases the value of the experiment, and sometimes a priority rati-

Q. Did they contain any indication about the manner in which the experiments were carried out?

A. No, we had no information about the manner of execution of the experiments. I recall these lists very well. There was never any information given about experiments.

Q. Did the reports of other agencies, on which the card index was based, show that experiments were conducted in concentration camps or on concentration camp inmates?

A. No, the correspondence on which the card index was based did not indicate anything that would have led one to conclude that such experiments were conducted. No concentration camp or prisoner was ever mentioned. It is true of all the other correspondence too in the Office of Science and Research.

Q. Do you believe, then, that it could be proved to the Tribunal if that index were here?

A. Yes, that would no doubt be the simplest thing and the best thing to have the card index here. It would show quite clearly that no illegal experiments on human beings are recorded in it.

Q. Now, witness, you said that you saw all the secret mail, that it went through your hands.

A. Yes.

Q. Did you know the so-called Secrecy Decree, which said that absolute silence was to be maintained about secret matters?

A. Yes, I knew that.

Q. Was that also in effect within the circle of associates of Prof. Rostock? Or did they exchange opinions, did they discuss the matter?

A. No, among the employees of the agency, this secrecy order didn't apply; it only applied to people outside the Rostock agency.

Q. What people do you mean? Do you say people within Rostock's group?

A. I mean the assistants and secretaries of Professor Rostock in the Office for Science and Research.

Q. Was it called to your attention especially, did you take this that the secrecy in effect was to Professor Gross's office, for example?

A. Yes, there it was in effect.

Q. Was it kept in effect between the agencies of Rostock and Gross?

A. Yes, it was kept very carefully.

Q. Did you ever see correspondence or reports on defense measures which contained warfare agents in your office?

A. No, in Rostock's office there was no such correspondence.

Q. Do you know of any correspondence with Professor Rostock on behalf of the Reich Research Council -- not with the Reich Research Council, but for the Reich Research Council?

A. No. I am sure there was no correspondence for the Reich Research Council. We would have had to use the letter-heads of the Reich Research Council for that purpose; we did not have any.

Q. Was the correspondence of Rostock with the Reich Research Council from your office, very extensive or not?

A. No. The correspondence with the Reich Research Council was not extensive at all.

Q. There was no other clerical worker in the office who could have d such work without your knowledge? All these things went through your hand

A. No, anyone who took care of matters concerned with the Reich Research Council alone did not exist.

Q. You know Professor Rostock because you worked with him. From yo knowledge of his personality, do you believe that he would have, in any fo approved unethical human experiments or even know about them?

A. I know Professor Rostock as a very kind person. I cannot imagin that he had any connection with such experiments.

Q. Witness, did you belong to the National Socialist Party?

A. No.

Q. Did Professor Rostock, in his official and unofficial conversati ever speak to you or the other personnel in a propagandistic way for National Socialism?

A. No; Professor Rostock never did that. The tone in the whole offi was at a level which was quite non-political, the same tone in t I h d been used to from my former work in the clinic. I never any Professor Rostock speaking for National Socialism in a propagandistic sense.

DR. FRIEDLL: Thank you.

I have no further questions for this witness.

THE PRESIDENT: Does any defense counsel desire to cross-examine this witness?

(No response)

There did not cross-examination of the witness by the defense counsel the prosecution may cross-examine.

CROSS EXAMINATION

BY MR. MAY:

Q. Witness, you have stated that all mail, incoming mail, went for your boss, and after opening the mail you passed the mail on to Rostock

himself for distribution. Is that correct?

A. Yes.

Q. Then after Roestock received the mail, if it was of interest to some of his assistants he passed it on to them himself?

A. Yes, then Professor Roestock distributed the mail.

Q. Now, witness, you state that you handled all secret mail. Did you also handle the top military secret mail?

A. Top secret? No, we did not have any top secret mail. I cannot remember in detail, and I do not know the difference between "secret" and "top secret".

Q. Well, in what manner did you handle the secret or top secret mail when it came to the office in preference to ordinary mail?

A. The mail was not entered in the general registry -- the secret mail -- but the individual assistants lock it up in their desks. We did not make a difference between secret mail and very special secret mail.

Q. But in any event, all the secret mail went first to you and then Roestock for distribution; is that correct?

A. Yes.

MR. [illegible]: I have no further questions.

THE PRESIDENT: Is there any redirect examination of this witness by counsel for Defendant Roestock? Is there any further examination of this witness?

MR. PRINGLE: No, sir.

THE PRESIDENT: The witness may be excused.

(Witness excused)

MR. PRINGLE: Mr. President, in conclusion, I have the rest of my document as exhibit. First I would like to correct a small error, a typing error. In document Roestock 5, Exhibit 5, I had submitted the list of publications by Roestock from the middle of 1937 on. The document is on page 7 of the English document book. This is Exhibit 5, as the interpreter knows. Unfortunately, on the two pages that follow, the number 4 is given at the top, at the right hand corner. I ask that that be corrected to

25 To-4-EE-2-5-Daniels.
Court No. 1.

under 5.

THE PRESIDENT: The corrections, I think, have already been made. If they have not, they will be made.

MR. PRIBILLA: I beg your pardon.

The next document has the number Rostock 6, and I offer it as Exhibit No. 6. After having [illegible] the witness [illegible], who was the first and most important [illegible] of Professor Rostock in his [illegible] office, I tried to find all the other [illegible] in this office. I succeeded in finding three of the four [illegible]. The other two [illegible] are Mr. [illegible] and Mr. Gottel. In order to [illegible] repetition, I [illegible] only [illegible] of these [illegible]. [illegible] the important passages. [illegible] says:

[illegible] Professor Rostock [illegible] the Science and Research [illegible] of the [illegible] and [illegible] matters.

[illegible] with the [illegible] and Research Office I [illegible]

[illegible] as [illegible] of the [illegible] in [illegible] with his [illegible] in the office [illegible]. [illegible] as [illegible] of Professor Rostock [illegible] in Berlin [illegible], [illegible] tasks, [illegible] general [illegible].

[illegible] with the Rostock Office, I [illegible] questions of the [illegible].

[illegible] of this [illegible], [illegible] says:

[illegible] Professor Rostock, [illegible] with his [illegible] personal [illegible] the [illegible]

figures, Russians and French, with the latter, the same care as Germans. Experiments on human beings contradict the ethical and scientific character of Professor Rostock, as I know him."

Document No. 7 which I [illegible] is an affidavit of the witness [illegible]. Since the witness has been examined here it is not necessary to submit this affidavit. The following document, which is Document No. 8, and which will be Exhibit 8 — from the [illegible] assistant, Dr. [illegible]. I [illegible] this exhibit [illegible], but will read only a few important [illegible]. Dr. [illegible] says:

"In the autumn of 1943 [illegible] to work with the Science and Research Department under the General Commissioner for Medical and Health Matters. I did this, without giving up work at the clinic itself, from then until the department officially took up its work in February 1944 and moved to the offices in Beelitz near Berlin. From that time on, I worked in this department nearly exclusively as Professor Rostock's assistant in his capacity as chief of the Science and Research Department.

"During this activity I never [illegible] that Professor [illegible] human beings [illegible] their will. If this had been the case, I could not have [illegible] it because Professor [illegible] all his co-workers [illegible] absolutely. [illegible] in his clinic [illegible] all [illegible] problems."

The next document, Document No. 9, which I offer as Exhibit 9, is an affidavit of the [illegible]. The Tribunal will [illegible] affidavits from Rudolf Brandt, [illegible] says:

"[illegible] question [illegible] following statement:

"[illegible] Professor [illegible] personally at any time [illegible] Germany. [illegible]

under the Reich Commissioner for Medical and Health matters. I have no exact conception therefore of the type or the scope of his work there.

"91. If in my affidavit, Document No. 371, Exhibit 150, [illegible] (opi [illegible]), I said that [illegible] which had [illegible] of this kind, I would like to explain [illegible] in my [illegible]. I [illegible] for such a [illegible] plans.

[illegible] said, [illegible] Schiessen [illegible] 1933 [illegible] Sunday, [illegible].

"92. [illegible] Document No. 370, Exhibit 149, [illegible] and [illegible] not [illegible] Brandt [illegible], but [illegible] only [illegible] that [illegible] of this [illegible].

"93. [illegible] affidavit, Document No. 372, [illegible] 151, [illegible] that [illegible] between [illegible] individual [illegible] such [illegible]. I [illegible] only [illegible].

[illegible] in this [illegible]. [illegible] that [illegible] appreciation [illegible] this. I [illegible].

[illegible] this.

[illegible]

[illegible] of the [illegible] by [illegible] any.

[illegible] in conclusion, [illegible] in [illegible] not [illegible] personally [illegible] by the [illegible]."

[illegible], "[illegible] Consent."

[illegible] Document 10, Exhibit 5 — [illegible] affidavit of [illegible] Becker-Freyseng, [illegible] affidavit:

"The affidavit of 24 October 1946, Document [illegible], Exhibit [illegible], [illegible] after he had taken [illegible] this group, was perhaps the most influential person in Germany in the [illegible] research, and that all [illegible] results of [illegible] experiments [illegible] research work. [illegible] this report [illegible].

"This [illegible] Germany, which is [illegible] details of the [illegible] affidavit of 24 [illegible] the subject of [illegible] with the [illegible]. With [illegible] in the [illegible] that [illegible] sufficient [illegible] the [illegible] Germany.

[illegible] experiments [illegible] of the [illegible].

[illegible] experiments [illegible] Becker-Freyseng [illegible].

[illegible] Becker-Freyseng [illegible].

[illegible] Document [illegible] 11, [illegible]

[illegible]

"[illegible] 25 October 194[illegible], Document No. 1469, Exhibit 130, [illegible], in No. 3, the statement [illegible] by the Luftwaffe, [illegible] in order to avoid compli-cation [illegible] this office.

"This statement [illegible] approval [illegible]. In actual fact, a copy [illegible] office [illegible].

"[illegible] experiments [illegible], under [illegible].

"[illegible] experiments [illegible]."

[illegible], "[illegible]."

[illegible]

The same is true of the witness Margarete Baldow, who was approved. This witness is the chief nurse of Rostock's clinic. She knew nothing of the work of the Office for Science and Research, but she could testify to all Rostock's activity during the war at the clinic, and in particular she could give concrete information about the amount of work and the proportion of Rostock's work which the clinic represented in the last years of war.

Here, too, I believe that I can dispense with the personal examinati of this witness, and I ask that the Tribunal permit me later to present affidavits from this witness. If I should succeed in finding the fourth assistant of the Office and thereby all persons who worked with Rostock in the Office for Science and Research, I ask that the Tribunal permit me to send in affidavits later.

THE PRESIDENT: If the witnesses referred to by counsel are found and brought to Nuernberg, they will be sworn and testify before the case is closed. If the witnesses are not available and are not brought to Nuernberg, affidavits on the part of these witnesses may be presented to the Tribunal and offered in evidence.

Is counsel for defendant Schroeder ready to proceed? If counsel desires a few moments, the Court would recess. I asked counsel for defendant Schroeder if he is ready to proceed at this time. The Court would recess for a few moments if counsel is not prepared.

DR. MARX: I beg your pardon, Mr. President, I could not understand the statement of the President because the earphones were not adjusted, but I am told that the question was whether the defense of the defendant Schroeder might need a brief recess for preparation. I would be glad to have this opportunity.

THE PRESIDENT: How long a recess would counsel desire?

DR. MARX: Fifteen minutes, if I might ask, Mr. President.

THE PRESIDENT: The Tribunal will be in recess for fifteen minutes.

(a recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. [illegible]: Mr. President, I took cognizance of the request to inquire whether my document book is translated yet, but unfortunately I learned that the document book is not ready yet, although I ordered it it is at a rush job to the translation. However, I am in a position to begin the case for the defendant, Professor Doctor Schroeder.

THE PRESIDENT: Has counsel any witnesses he could produce in court at this time?

DR. [illegible]: I would call the defendant, Professor Dr. Schroeder to the witness stand now.

THE PRESIDENT: The witness accompanying will take the witness stand. I hope the defendant Schroeder will take the witness stand.

DR. [illegible]: May it please your honors, may I interrupt for a moment? I have just received from defense counsel a list of the witnesses to be called from the defendant Schroeder, and I would like to call that to the attention of the defense counsel so that we will be properly notified.

THE PRESIDENT: Witness, you will hold up your right hand and the accompanying officer will administer the oath.

I now administer the oath, the judgment of God Almighty, as God is my witness, I will speak the truth, I will withhold nor add anything.

(The witness repeats the oath.)

THE PRESIDENT: Be seated.

Counsel will make the examination of the defendant in the chronological order in which the events have taken place. Counsel may proceed.

I would like to inform the Secretary General that the proceedings are being recorded.

DR. [illegible]: Mr. President, I would like to take the liberty to point out the witness three times again to the prosecution.

THE PRESIDENT: Very well, counsel.

DR. [illegible]: With the permission of the Tribunal I shall now begin the case of the defense of the defendant Schreiber:

DIRECT EXAMINATION

DR. [illegible]:

Q. Witness, please give the Tribunal some information about your youth, your selection of a profession and your professional training.

A. I was born on the 6th of February, 1891, in Hannover. I grew up in a [illegible] home. I had a decided inclination toward natural science and [illegible]. At first I intended to become a teacher like my father but during my youth I saw that was not the goal of my life and the [illegible] of relatives and friends I decided to study medicine. There was another inclination also. My uncle was an officer of officials and soldiers, there were many officers among my ancestors and so I decided to become a medical officer in order to combine these two inclinations, medicine and military.

I went to the Kaiser Wilhelm Academy for Military Medical Training, the [illegible] medical officers in the Prussian Army, and it was combined with the university studies at the University of Berlin. After I had to take my military training in 1913 I took up the medical studies. Beginning of the first world war in 1914 interrupted my studies and in 1918 I was able to finish my studies in the most [illegible] manner. I participated in the war as a [illegible] military surgeon. I was wounded and then I was in the [illegible] and I was discharged in the year 1919.

Q. Will you please give the details about your further service. After the first World War you remained in the Army. For what reason did you remain? What was your further career and your further training?

A. After the first World War the German Army was reduced to the well-known one hundred thousand man Army. This meant that a large part of the officers had to leave the Army. Of the almost three thousand medical officer there remained only three hundred approximately. In general there was an urge to leave because the prospects in civilian practice, specialized practice as well as general practice, were favorable. I myself tried to remain in the Army at the time because of the struggles going on in civilian practice, large economic struggles, health insurance and political societies. All these things were distasteful to me. I wanted to work as a doctor. I wanted to apply my knowledge and my influence in purely medical fields and so I tried to remain in the Army. And, I preferred to work for less money but to have work which was satisfying to me as a doctor instead of indulging in those economic struggles and other such things. My work was recognized. After I had worked as a surgeon for some time from 20 to 23 I had an extraordinary in Königsberg, Prussia, in the Nose and Throat Clinic, Professor Rhese. And then from 23 to 25 I was assigned to the University Ear Clinic in Würzburg, director Professor Lindsay. After this I had about seven years of clinical training and about two years of surgery and the rest of the time as Nose and Eye and Ear specialist. Then I became section physician of the Nose, Eye, and Ear section in the First Hospital at Hanover and I was able to expend my knowledge in working with patients and also as troop physician with my unit.

Q. Then you were transferred to the Army Medical Inspectorate. When was that?

A. From the first of January 31 I was transferred to the Army Medical Inspectorate. Through my long years of clinical work and my work in the First Hospital in Hanover I had obtained great experience in hospital work in the care of patients and all things having to do with medical care of soldiers and I was sent to the Inspectorate and was the successor of Gudlacer to take over his duties. With the beginning of the reconstruction

[illegible] the Wehrmacht the work for building up a large scale hospital system [illegible] and I was in charge of dealing with new hospital buildings.

Q. Now, witness, from your work in the Army Medical Inspectorate how did you come to the Luftwaffe?

A. In 1935 the Luftwaffe was set up and at first it was seen that it was necessary to create its own medical service for the Luftwaffe. As a man in charge of this activity Colonel [illegible] was intended and an experienced [illegible] was given him as assistant. Since the five years, or more than five years, that I had spent in the Inspectorate had given me experience in this [illegible] and since I knew Hippke from my time as student, my chief, Hildebrandt, considered me for this. And, in January 1935 I was transferred to the Luftwaffe and essentially I took over the same work which I had been doing in the Army Medical Inspectorate, that is, care of patients, hospitals, budgets, and [illegible] were added - testing flyers, medical equipment. This was my work.

Q. What was your preferred field of work?

A. My preferred field was construction of hospitals. The duties which were assigned me at this time also gave me great insight into these things [illegible] activity gave me special interest in these questions. At this point I would like to say something about what I noticed in the medical [illegible] field of medicine. In answer to your question - how was the question of professional ethics considered after 1933 or how was it [illegible] - he commands: "Come on the [illegible] this question by making some [illegible] of the changes in the ethics of the medical profession. The [illegible] ethics for thousands of years, even before the Christian era, has been [illegible] of medicine, the individual in the sort of his knowledge and conscience [illegible], through the so-called national socialistic ideology, [illegible] socialistic or unofficial. That is, he no longer decided according [illegible] principles of the pre-Christian and Christian concept, in the sense of individual patients, that is, on the [illegible] of a number of factors [illegible] the individual by himself, and considered the individual [illegible] of the relationship of a fictitious collective [illegible] and thus the [illegible] of the medical profession." If [illegible] my principal interest in the patient, was only carried out

[illegible] on behalf of a selective [illegible] according to the laws of the [illegible] which he is not a doctor. Against this formulation of medical [illegible] of the past period, thinking of the more than two thousand doctors who fell in the German Government, I must object to this conception. These doctors fell while caring for the individuals entrusted to their care. They felt responsible for life and health of each of them. Our work in the Inspectorate, as well as in the branch offices, was always clearly directed to doing everything we could for the individual. The many hospitals which were built and equipped with living [illegible], the more than thirty hospitals which were built with my own assistance - they which [illegible] were then words [illegible] we undertook to use medical science and to do everything we could for each individual person. That is certainly no corruption of the medical profession. That, in addition to this care for the individual, we consider the community. That is true of the military medicine of all countries. That is nothing new. And, in defense to rejection of Professor Leibbrandt's statement I must claim for us German physicians that we have practiced the eternal laws of the oath of Hippocrates and that we tried to fulfill them in harmony with the [illegible] of the great Master. Today we generally discuss the Hippocratic oath as well if we always emphasize the individual patient. The great work of Hippocrates on air, water, and situation, which we also today call [illegible] - this book [illegible] for the consideration of the community as well as the individual patient.

Witness, what was your further career after the beginning of the war [illegible]? Before presenting the Tribunal will be in recess [illegible] for minutes.

(A recess was taken)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

THE PRESIDENT: Counsel for the witness may proceed.

BY DR. [illegible]:

Q. Witness, previously we stopped at the question - what was your further career with the beginning of the war?

A. For almost 30 years I had already been at the Ministry and as a result of this it was necessary that once again I should be used in some other capacity. This was postponed by the reconstruction work which had been done in the previous years; but the beginning of the war offered us the opportunity ... gave me the opportunity to take over the position of a flight medical officer and with the beginning of the year 1940 I became physician with Air Fleet No. 2, under Field Marshal Kesselring.

Q. Witness, what was your activity now with Air Fleet No. 2?

A. The first year of the war this air fleet was used in the west and afterwards it was used in the east for a short period of time; then from 1 December 1941 on, it was used in Italy, Africa and Sicily. I remained in this position until the 31st of December 1944.

Q. Witness, would you now tell the Tribunal about the duties of an Air Fleet Physician.

A. The Air Fleet Physician is the chief medical officer of the Air Fleet. He is the consultant of the Chief of the Air in all questions which concern medical matters. The [illegible] direct the use of the medical units and the corresponding instructions to the subordinate air district units, unit physicians, and so on. Much more, he is responsible for the injured persons and the physicians, problem and the care of the Luftwaffe in the war.

because the air transports were of quite a special importance in cases where large distances and territories were involved. It further was the duty of the air fleet physician to be informed about the treatment of the patients and the status of the patients in the hospitals.

7. Were you always or for the most part with your agency as air fleet physician, or did you frequently have to travel outside of this office?

A. On many occasions I was outside of the agency, above all during the time when we were active in the Mediterranean area, in Greece, Crete, Italy, Sicily and Africa, when these territories belonged to our theater of operations. I was travelling around constantly, on many occasions by air or by airplane, and I inspected hospitals and I also obtained detailed information about the methods of treatment with regard to the patients, and also with the hospitals which had been provisionally established; I also consulted in these fields because I had already particular experience. Then I also took care of the medical system and also chiefly in my field of competence which I had also acted to a great extent in which establishments, even close to the front line, because I considered the point of view that care by medics could never be replaced in any way by aid.

8. What was the character of your activity as air fleet physician?

A. It was partially in relation with the agency in connection with inspections. It was an activity which regulated the working together of the agency with the medical services and working together of all these agencies. I place emphasis on the fact that in my [illegible] administration [illegible] the word [illegible] to be limited [illegible]. I did not belong to the air district [illegible] or physician [illegible] and I [illegible]

Rydzdzin I had to be mobile -- I had to be constantly on the move, in order to inspect and to supervise the care of the wounded and the supplies which were needed.

Q. Witness, when did you become Medical Chief of the Luftwaffe?

A. That was on 1 January 1944. I was promoted to Generalobersteberzt; it was then I became Chief of the Medical Service of the Luftwaffe. In the first month of my activity I effected certain changes in my organization with the corresponding agencies of the Ministry so that afterwards I was in charge of the agency with the title Chief of the Medical Service of the Luftwaffe. There are constantly mistakes being made in the third Reich because my predecessor was called Chief of the Medical Service and I was described as Inspector. Air is connected with the change but the title Chief of the Medical Service of the Luftwaffe indicates my position more correctly than it could be done with the title of Inspector.

Q. Witness, will you now describe your field of tasks to the Tribunal as Medical Chief?

A. My field of tasks was very extensive. First of all I will have to go back to the situation as it existed in the year 1944 with regard to my office; at that time the agencies at home so to set work any cells in place in their respective places but for air-raid reasons they had in many cases to be transferred to provisional sections. The daily work was frequently interrupted by air raid alarms and air raid [illegible] routine or conferences were interrupted by [illegible] and air raid alarms, so that it was an extraordinary difficult undertaking [illegible] of time to work together [illegible].

[illegible] by this state of emergency for us the primary task was the use of [illegible] units as far as this was in [illegible] by the central agency. In this [illegible] it was a question of the assignment of field hospitals and surgical units, which were usually field hospitals, also their medical aircraft units, [illegible] consisted of aircraft which had been converted to transport wounded [illegible] there; the hotel stations, evacuation places, and so forth. During that [illegible] time we were confronted by these tasks constantly, and the rule [illegible] these tasks were for the most part that the units of the army, which [illegible] the tasks had been destroyed by air attacks or other causes of [illegible]. The replacements which we could furnish centrally could only be [illegible] if other units were withdrawn at some other place, and I believe [illegible] who is acquainted with these matters can fully imagine what an [illegible] more intricate work was [illegible] every day by these tasks which con-[illegible] these units. Also it frequently required us to seek trains at a very [illegible] notice, in order to clearly meet questions right at the problem loca-[illegible]. Closely with those transfers of units was the [illegible] to be [illegible] in personnel questions. [illegible] of medical officers, nurses and [illegible] medical personnel. In the rear [illegible] we felt the effect [illegible] all that [illegible] medical personnel to a very large extent. I alone had to furnish [illegible], medical [illegible] officers, and [illegible] to other units. I [illegible] in part to the Army and in part for a permanent troops, which [illegible] clearly, [illegible] certain reliable [illegible] for these men. [illegible] received all people who had not trained at all, and [illegible] very [illegible] untrained women. For these people training classes had to [illegible] in order to give them a short but intensive training, and in [illegible] acquainted with their new duties and tasks. This also re-[illegible] hospitalization and quite [illegible] of work. A part of the work [illegible] for within that year we [illegible] prevention [illegible] medical service. [illegible] usually [illegible] service. The further field [illegible] was the [illegible], and [illegible] medical equipment. [illegible] tasks, which I had [illegible] a lot

of work previously in the procurement of equipment. These tasks also required much of my time. A part of these tasks were also rendered increasingly difficult through the air warfare, and it was not a rare occurrence that depots burned down and that also larger depots were destroyed. And now we had to change our dispositions and we had to change the supply of the units which had been dependent on these depots. In empty words now this also seems very simple, however, if all the difficulties which arose in that year are considered, and also we have to give consideration to the communication system, and the train connections which were not functioning properly, then perhaps these difficulties can be understood.

Another field which required a lot of work in the year 194_ was the "fitness", because a larger number of people were conscripted. This frequently required a change to be made in the regulations for physical fitness, especially in our field of selecting people who were fit as soldiers.

Another part of my tasks were things connected with the dental care. These tasks became constantly more extensive as the war continued, especially with regard to dental care when more people were conscripted into the Wehrmacht with defective dental plates, and we had to care for them. On the other hand the procurement of the necessary material became constantly more difficult. Thus we were confronted by a large number of hygienic problems, and through the happenings of the year 1944 that also became more difficult, because again as a result of the damage which had been caused by air attacks many bad conditions were caused and in order to alleviate them, for example, when water and drainage was disturbed and when billets had to be dug, then this was the form of tasks which we had to deal with.

And at the end of the war there was the science. Unfortunately, from the extent of the other tasks which were necessary daily science frequently would not be given the necessary amount of attention. I had the main task to withdraw everything in research which was not necessary for the War, and only to work on the research which was vitally necessary for us.

Q. Witness, in describing this activity as Chief of the Medical Service, you mention that you had to travel around frequently; will you please tell us about the manner or the extent of these journeys, for example, did you also visit concentration camps?

A. As I can already see from what I have mentioned previously, my work required me to travel very frequently. For one thing, in order to carry out the change or transfer of hospitals which was caused by air attacks and also to consult in such matters, and on the other hand to also visit and inspect those new training courses which we had to establish and in order to advance myself on the state of the training. It was the case that with regard to the training institutions which had been established for similar medical personnel, and I believe that I was travelling at

least one-third of the month or more. I have never visited any concentration camps, because they did not have anything to do with my field of tasks.

Q. Witness, I now ask you to tell us something about your agency itself with which you carried out this work?

A. In view of the necessary limitation in personnel I have always tried to carry out my work with as few as possible collaborators. The establishment of such an agency was carried out in approximately the following manner, that is from below to the superior agencies: a number of specialists, experts, so-called "referents" were used.

[illegible] State Secretary or Undersecretary positions, who, according to their ability and their capacity were selected for that job. There were experts and specialists for the nursing system, the dental care and administrative workers, organizations of scientific aviation medicine and their referents were in these fields. When a field of work is enlarged they had to have a larger number of references which are usually divided into groups. We have groups of several expert specialists who together form a section which is directed by a section head. This section head usually has the rank of a colonel. Within such an agency he is the lowest instance which has the right to make a decision independently. This section sometimes gives instructions towards the outside on his own initiative. The sections are brought together under the Chief of Staff. I had three such sections. The Chief of Staff is the Deputy of the Chief of the Medical Service. That is, the Chief of the Agency, in all kinds of pending matters. He furthermore has to settle the whole interior functioning of the Agency. For example, all mail is addressed to him as far as it does not have to go to the Registry Official and is then immediately sent to the individual sections. Moreover, the important mail, above all, secret mail, is addressed to the Chief of Staff. It is now up to the Chief of Staff to decide if it is to be handled by the section only, or because of its special urgency it first had to be submitted to me. At such an agency it is therefore quite possible and it could not be done differently for the vast number of mail that arrived — that quite an amount of mail could not come to the personal attention of the Chief of the Agency but that it was handled by the section head or that they worked or issued with their consent and consultation of the Chief of Staff and I can prove this through many, many, many proofs. During my time particularly I have had five to six thousand opened letters and I will say that I have had secret letters in my agency and if part of the time I can [illegible] it was considered impossible that I could personally look [illegible] all of my mail and that I could personally handle it. This was not necessary either in accordance with our service regulations. It was important for such an agency that the Chief of Staff was at hand and that

he was in charge of the assignments and the duties which had to be taken care of.

He had the necessary authority in order to do this and he had the disciplinary authority of a brigade commander and, furthermore, he had the authority to appropriate certain funds without first submitting these things to me. In summarizing the function of such an agency it must always be remembered that it is based on the confidence that the subordinate has with his superior and the confidence which the superior maintains in the subordinate. Wherever the confidence is lacking then the agency cannot function.

Q. Witness, will you give a short discussion to this Tribunal of the amount of work which you had to take care of every day? That is, the way you divided your work every day?

A. Yes.

Q. That is, how you had to work every day?

A. Especially with the requirements of the time I moved into my office. I did not live at home any more but I lived in my office, and I kept right next to my office. In the morning my duties usually began very early because in the morning between 7 and 8 o'clock I received the reports about the damage which had been caused by air attacks. Then from then I could begin see what had happened during the previous 24 hours and this information caused me to draw a tentative daily program. Then the morning passed while I reviewed the incoming mail and while I had discussions about these things.

Then visitors arrived from outside which put urgent questions to settle or else wanted to consult me and then the afternoon came with the very hard work and never ill, in the afternoon there was a report of the Department Heads — of the Section Heads, and the specialist experts about those things which they were working on. As a result of the incoming mail and the discussions usually it lasted until the very late hours in the evening. Then the reports which took up more time and since I don't want to be interrupted by long-winded reports I called them to arrive then for 8 or 10 o'clock in the morning and then the last report which we had report-

[illegible] Left then I set time to look over everything in peace and quietness which I had to deal with personally and I used to continue with this work until about 12 o'clock at night. On the next morning at 7 the same procedure was followed again.

DR. [illegible]: May it please the Tribunal, before I continue in my cross-examination of the witness I would like to clarify the translation of a statement of the witness. Witness, Prof. Dr. Schroeder stated that every month you received five to six thousand open incoming letters in this agency and I am told that the word "every month" was left out in the translation and since this statement is of importance I request that this statement be corrected in the record.

THE PRESIDENT: The Tribunal would ask that you have the witness repeat what he really said concerning that matter for the record.

A. The incoming mail which was received in my agency consisted of from five to six thousand open letters every month and approximately one thousand secret letters. Of these one thousand secret letters approximately five to six hundred were search and there to four hundred were open secret.

Q. Then, the secret service was responsible to pick for the training of active soldiers officers for the intelligence?

A. Yes. Originally the candidates were also trained at the Army Academy and with the growth of the academy this was not possible any more. With the beginning of the war we established our own school for the intelligence. It was three months for the [illegible] was located at Berlin, the second at Vienna and the third was located at Prague. The students of the academy were distributed among these three training centers. Scientific institutions like, for example, the Army Academy were not connected with the. As a result of the war we did not have enough opportunity. [illegible] emphasis on the fact to have the students attend the lectures of the universities. They were not limited to military subjects but [illegible] for a thorough [illegible] the military training [illegible] for [illegible]

service with troop units and hospitals. May I point out that preliminary basic military training was a prerequisite for the study.

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The zeal of the students was extraordinarily great, the urge to get to study and to work. There existed a pronounced renunciation of political lectures and political teachings. We held generally educating lectures but specialized political lectures were not given with us because we had the impression that the students didn't want to hear anything about that subject. They spoiled their spare time well in other ways, and they were engaged in sports to a limited extent, and among all the teaching of music had become an important point. A college of music had been established where music was practiced with special care.

In order to apply to Professor Lebbrandt's views, may I point out here that the students did not only have the urge to work and to conform something, but that they also did not remain without success in their studies. From my last discussions with the Commander of the academy I can still remember the result of the last medical examination which was held in 1944, and those figures perhaps indicate better than words what the results were of this work which was achieved. There were approximately 1500 students who had to subject themselves to the medical examination. Of these students, about twenty passed the examination with Very Good; twenty-five passed it with Good, and only five passed the examination satisfactory. None of the students failed to pass, and this happened in Berlin and at Kaunitzberg where the temperaments of the students on the part of the professors were very high.

Q. Witness, before we continue, I would like to point out to you that you should make a short pause after every sentence so that the interpreter will be able to keep up with you better. I would like you to do the same thing after every question I ask you.

Professor, what official and unofficial contacts do you have with the [illegible] resolution of the A.O., the Party and the Wehrmacht?

A. I didn't have any with the Leading Party personalities.

Q. Did you say nonexistent or negative?

A. No, I said I did not have any contacts with leading personalities of the Party. Hitler, Himmler and Goebbels and Bormann I had never even seen during the war. I believe that I had to report to Hitler on one occasion in 1938, but not on any other occasion, and as Commander-in-Chief of the Luftwaffe, Goering, I had to give Goering reports about my field of tasks, but otherwise I did not have any further contacts with him.

Q. Professor, what are your degrees, a number of medical societies and have you also written in the medical field? What can you tell the Tribunal in that subject?

A. I am a member of the German society for sex, theory and race hygiene, and that was the result of my special field. I was a member of the society of natural - nursing schools, and then I was a member of the society of German medical officers; that is, the scientific military society. Then I was an honorary member of the German society for the dental and jaw surgery. Then I was an honorary member of the University of Munster, and I was an honorary professor of the Berlin Medical Faculty, and I was vice-president of the German society of hospitals within the framework of the international society of hospitals.

I was editor and collaborator of the journal of the German medical officers, and also of the journal about aviation medicine, in the central journal of the German Medical Review, the Forschungen; besides, a journal which occupies itself with the parachute question, and of the journal "Deutsche Schwesternzeitung".

-Witness Rose.

Q. Did you also publish scientific articles?

A. Yes. In the 20's I published several smaller works in my special field, and within the last ten or twelve years I published a number of works about the hospital system and the construction of hospitals, and the nursing system. Also in the military [illegible] branch I published articles about the construction of hospitals, [illegible] the [illegible] years all we built [illegible] the hospital system.

Q. Witness, did you ever belong to any party or the NSDAP, or did you belong to any of its subordinate units?

A. No, neither before nor after 1933, I never belonged to any party. This was the result of two reasons [illegible] to remain [illegible] because in the 100,000 man army we were prohibited from taking any active part in politics. I had [illegible] an opposition [illegible] the questions of politics and I was glad that we [illegible] these questions in the 100,000 man army.

As myself and my subordinates I have always taken care to see that the instructions were complied with. A soldier can only serve the Fatherland, and not a party. [illegible] then [illegible] during my long activity I have stressed repeatedly to my subordinates that they should strictly fulfill their duties and [illegible] adhere to that line, [illegible] their [illegible]. Later, in 1934 [illegible] 1937 [illegible] I did not belong to any of the subordinate units either, although I could [illegible] previously.

Q. After this general introduction [illegible] the individual [illegible] of the indictment. Witness, the prosecution charges you [illegible] participated in a criminal conspiracy to commit war crimes and crimes against humanity, together with the remaining defendants. In [illegible] here, [illegible] of them are known to you at all, and with how many [illegible] such

Did you have any closer relations of any kind?

A. The co-defendant Kaufmann is known more closely to me. Like myself he was in the 100,000 per cent [illegible] at the time I became his associate as specialist in the industry. I further know my collaborators from the I.G.Farben, the defendants Ter Meer, Becker-Freysing, Mann, Duff, we have been known to me for a larger period of time, or I knew them already before the war. Ambros, Schneider, Heinrichsbauer I met in 1944 during my time of activity as Special Chief. I knew Krauch and Buetefisch already from previous times, and of course, I had occasional contact with them in my capacity as Special Chief. Mann was, of course, assigned to the position of these two men.

I was Deputy in charge of the activities, also as Special Chief. I believe that the Wehrmacht Economic called us to attend some deposition or conference, and of course I may have seen Ilgner or Schmitz at Schmitzhueten but the remaining defendants unknown to me, and I have no record of their name here in Nuremberg.

Q. [illegible] with Professor [illegible]?

A. It was in my time when I was in Social Medicine, when [illegible] Commission, [illegible] quest[illegible] arose. [illegible] with questions of the Armed Forces Medical Service, and [illegible] assistance of my [illegible] for those matters.

Q. Did it become known to you in [illegible] that in the medical sector [illegible] carried out?

A. [illegible]. In the time when I was Chief Medical Officer [illegible] because of the [illegible] Professor Nuffield [illegible] for the [illegible] of the [illegible] countries. [illegible] Medical Officer I was, of course, interested, but I believe that just the opposite was my task — to help all those who needed it.

Q. I just wanted to ask you a question in this effect, on this question [illegible] Medical Officer if you are [illegible] if you not [illegible] Medical Officer which were [illegible] in the occupied territories [illegible] civilian, [illegible]?

A. No.

Q. [illegible] this [illegible] in the occupied territories?

A. Well, I [illegible] with this question [illegible] specially [illegible] Medical Officer [illegible] occupied territories, [illegible] the [illegible] civilian [illegible] the [illegible] civilian [illegible] Medical Officer, [illegible] Medical, [illegible] civilian [illegible] I [illegible] civilian [illegible] in [illegible] there [illegible] do this. However, it was [illegible] [illegible] Also, [illegible] [illegible]

[illegible] to [illegible] the local civilian authorities or the civilian authorities in the occupied territories [illegible] keep sufficient [illegible] people. [illegible] this [illegible] the point, in fact, [illegible] to the [illegible] extent. On the occasion [illegible] from the civilian authorities, but [illegible], of course, only ordered from [illegible].

Q. Either, the Prosecution charges you more fully for the time of 1941 to 1943 with the fact that you, as the [illegible] and [illegible] officer of the Luftwaffe, [illegible] in which [illegible] certain criminal occurrences [illegible] of time. Will you please describe in detail the relationship [illegible] 1941-?

A. I. I have [illegible] in the [illegible]. I [illegible] in Berlin. When [illegible] Generalkommando. But [illegible] the [illegible] the same period of time [illegible] the rank [illegible]. But, in the Luftwaffe [illegible], [illegible] the Luftwaffe. There is [illegible] rank. [illegible] Generalkommando. But [illegible] Generalkommando. [illegible] Generalkommando. [illegible] the Luftwaffe [illegible]. [illegible] Luftwaffe [illegible] Flieger. [illegible] Luftwaffe. [illegible] 1943, [illegible] — [illegible] 1943. [illegible] Luftwaffe [illegible]. [illegible] the [illegible] Luftwaffe. [illegible] the [illegible] the [illegible] Luftwaffe [illegible] the [illegible]

gether [illegible]. I already [illegible] to the organization of my agency [illegible] affairs the chief of staff [illegible] deputy, [illegible] in case of [illegible] absence, as for example when I was away for [illegible] two days, [illegible] deputy [illegible]. Then the work was directed by the chief of staff. For the most part I tried every [illegible] or second night to call my agency by telephone, and then I was able to clarify questions which had accumulated. [illegible] only when [illegible] extended illness [illegible] which could [illegible], [illegible] chief of the [illegible]. During [illegible] 1943, I was in Italy, Sicily, [illegible], and I was [illegible] I was [illegible]. After all, it was [illegible] [illegible].

Q. In connection with this, [illegible]?

A. [illegible] 1942 and 1943 I have [illegible], for a few [illegible]. [illegible].

Q. [illegible]?

[illegible] 1:30.

([illegible] until 1330 hours.)

THE PRESIDENT: The Tribunal is again in session.

. Witness, before the noon recess we were at this question.

. Prosecution, judging from the fact you were second ranking officer of the Luftwaffe, charges you with a special responsibility for high-altitude and cold experiments in the year 1942 at the Concentration Camp at Dachau. Will you please comment on this?

. I learned of the high-altitude experiments only here in Nuernberg from the prosecution for the trial. I learned of the cold experiments from the reports of the meeting on February 6, 1942, and under the cover which I received in the year when I was still flak inspector of Airplane 13. I know that it was in the summer of 1942, for the meeting was on October 1941 and the report is dated and signed, of course, later. I cannot remember exactly, but I presume it was in the first months of 1942 in my office in Italy. I, myself, did not participate in the experiments.

At the time, I was in Sicily or in Africa. I received the report. I received several copies of the report which were distributed to the subordinate branches by my office. I, myself, read it. I noted the part of the report which was relevant for the following reasons: the report says, in addition, that the experiments had been repeated. This repetition of the experiments in 1942 was in the hands of Luftwaffe Medical Service and Luftwaffe Medical Service [illegible]. [illegible] under [illegible] experiments. On the final page it is to be seen, in a call to this report with [illegible] of a number of [illegible] received. [illegible] Officer and several non-commissioned officers of the Luftwaffe's hospital. The town of Dachau is south

[illegible] France. [illegible] and [illegible] good [illegible] good view [illegible]

A second reason [illegible] the point where the planes [illegible] to England. [illegible] could be seen from this point. [illegible] 10 or 12 [illegible] from the plane into the [illegible] pilot. [illegible] their [illegible]

[illegible] How did you hear for the first time [illegible]

... conducted in October

... I learned that for the first time when the question of German experiments was discussed, and under the various circumstances, I was [illegible] for [illegible] station. I was told that experiments had already been conducted which the Labor Minister confirmed this once in a brief consultation. But he [illegible] not do this. I learned things through radio reports in the fall of 1945 when I was a prisoner.

... the Prosecution, in the list of participants of the Wot-[illegible] in [illegible] rubber list [illegible] may be [illegible] report [illegible] other experiments. All [illegible] plans [illegible] on [illegible]

It is a misunderstanding. That is Haubner with "ua"; the adviser [illegible] experiments was Professor Hepner, written "ed", the professor [illegible] at Berlin. They had nothing to do with each other. Hepner [illegible] young fellow, and Haubner was a gentleman of about 17 years experience and a criminologist.

Q. Professor, you were also tried in connection with the self-mutilation experiments, what have you to say about that?

A. I learned of that for the first time when I saw the indictment. I knew nothing about the experiments, and I did not know I was supposed to have participated in it. I learned that only from the indictment.

Q. These experiments are supposed to have taken place in 1942 and 1943, where were you?

A. I have already said that at that time I was in Sicily and in Italy, and the certain which is referred to was in May 1943. We left the Russian theater of war in May 1943, and at that time everything was in [illegible] concerning these different medicines, and there were several discussions up to the time which [illegible] from Africa, but we had no contact with the enemy at all during the critical days there. I will [illegible] that nothing was taken place at the time. I was busy with other tasks.

Q. Did you participate in the consulting meeting in Berlin on May, 1943?

A. No, for the same reasons I said before.

Witness, what can you say about the hepatitis experiments which are mentioned in the indictment. You are also to have known of these experiments?

A. Hepatitis serum for injection which is prepared by the author is not known even by the medical colleagues.

Q. Now, will you please look at the German document NO-[illegible] of the prosecution. It is page [illegible] document N. 1,7 of the prosecution, page [illegible] of the document book, prosecution exhibit No. 149. What conclusion can you draw from this document?

A. That is a report of the Research experiment being conducted by Hanson. He has put down the experiment which he got from the Luftwaffe, and those which he got from the Reich Research Council. The experiment from the Luftwaffe on yellow fever vaccines, typhus vaccines, and the influenza are open experiments from the Research --Reich Research Council; typhus and hepatitis are top secrets. There is a difference in that alone. The experiments on yellow fever vaccine and typhus vaccine were given in the years of 1941, 1942, 1943, and extended, and they were production experiments. It was not Hanson's experiment to report to us about the Reich Research Council, which were top secret matters. On the contrary, the high degree of secrecy of these experiments allowed him to collaborate the other experiments.

Q. Are you satisfied with this point?

A. Yes.

Q. Witness, now, I shall show you the correspondence between Professor Hanson, Professor Gutzeit and Professor Kolk. That is Prosecution's documents Nos. 124, 125 and 126 in the German document book, pages 13, 14 and 15; Nos. 193, 194 and 195, prosecution's exhibits pages 11, 12 and 14 of the English book. Do you have them?

A. Yes, I have it.

Q. In these documents the names of Dr. Gutzeit and Professor Buchner are mentioned. Will you comment on this correspondence in the Prosecution's view this report concerning participation of the Luftwaffe in hepatitis research?

A. No, that is not so, but Hanson's hepatitis research experiment, as we have seen, has been very helpful, and primarily benefited

n virus research. It does no[illegible] [illegible] this [illegible] assignment [illegible] he can use them [illegible] [illegible] with this field, and so he turned to Buechner, who was the pathological anatomist, who had had great experience in pathological anatomy [illegible] with hepatitis. Then he turned to [illegible]icians like -- known technicians like Gutzeit, [illegible] [illegible]; these were people who in the clinical field were known. Gutzeit [illegible] witness here, and he was able to explain what as far as he was concerned. [illegible] here, but Kalk was also one of the technicians who had conducted extensive clinical research in hospitals in the field of hepatitis. [illegible] the various hospitals [illegible] [illegible] which he controlled, or he checked. This explains why [illegible] well known [illegible] group of [illegible] experienced specialists [illegible] all the fields concerned; that is, first, the clinic, second, pathology, [illegible], and third, virus research, [illegible]. [illegible] of the [illegible] in the [illegible] -- [illegible] research. [illegible] from the [illegible] here.

[illegible], at this point I offer [illegible] affidavit from Professor Dr. Kalk, of 17 January 1947. It is in my document book [illegible] page 53, and is to be exhibit No. 1, in my document [illegible], but I believe [illegible] [illegible].

[illegible] to receive the [illegible] Supplied Document.

[illegible] Professor, [illegible] [illegible] from [illegible] Kalk

[illegible]. Or I ask it [illegible] [illegible] [illegible] [illegible] I still [illegible]. [illegible] [illegible]. I [illegible] it can be [illegible].

[illegible]: [illegible] Tribunal please, I request that the [illegible] of [illegible] [illegible] this time [illegible] [illegible] [illegible] time to have [illegible] [illegible] [illegible] in our [illegible] [illegible] [illegible] object [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] at all.

[illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] in 19[illegible]. [illegible].

Q. Then, if I understand [illegible] correctly, this production [illegible] was only with the African theatre of war?

A. Yes, only in that connection.

Q. Thanks, in connection with the name of Professor Wagner, the term "consulting physician" was mentioned several times. What does this mean to you? What was the [illegible] of consulting physician?

A. I believe I can [illegible] this point. Handloser has already commented on the position of the consulting physician [illegible]. In [illegible] Luftwaffe there were consulting physicians. The Fleet [illegible] a consulting surgeon, an internal physician, a gynecologist, and [illegible] offices of the Medical Chief there were also consulting physicians — from [illegible], later, about twenty.

The activity of the consulting physician with the Medical Chief varied. It depended on the extent to which the consulting physician could combine his military [illegible] activity. In the [illegible] position that [illegible] was quite different from [illegible] in civilian life. [illegible] university teachers or heads of large hospitals or [illegible] institutions, and their civilian [illegible] permit them to [illegible] activity [illegible] only [illegible] to which they belong. [illegible] work, [illegible] of clinics [illegible] university. [illegible] very little. There [illegible], and this [illegible] their activities. [illegible] their [illegible], in this way, were [illegible] to the [illegible] Medical Chief. That varied

This explains why I am [illegible] a rather long [illegible] of consulting physicians. I could give [illegible] very little work to [illegible] them, in consideration of their civilian activity. I could assign only that little to them, so that I could [illegible] them as assistants. If I had to assign clinic to such a consulting physician, he could [illegible] come from the civilian side, and I didn't have [illegible] to give it up completely. Therefore, I always tried to adjust these things so that I would not have to give up the advice and experience of these physicians.

Q. [illegible], what was the relationship of supervisorship of the consulting physician to the Medical Chief, if, in addition to his activity, he continued his civilian profession?

A. He was under no obligation affecting his own activity as a civilian physician. All concerned here, all affairs of his clinic in his university teaching, or practice also was his principal position, remained unchanged. They remained [illegible] the same, where they had been previously, that is, in most cases under the Reich Education Ministry or the Ministry of the Interior, [illegible], or where the consultant office was—the Provincial Medical Office, or Provincial [illegible]. I did not have the right to interfere in his own activity either.

Q. Moreover, will you add to something about the responsibility of each officer in [illegible] medical service? [illegible] specially instructed [illegible] medical officer [illegible] the [illegible], and the subordinate medical officer [illegible] responsible? Did you interfere in matters of

A Yes. I shall be very glad to discuss this question.

General Bartleben told the Tribunal about this matter a few days ago. He spoke very clearly and, no doubt, convincingly, but in my opinion he was not quite complete, so that one last point remains open so far as the judges are concerned.

The medical officer, like other specialized officers, has a double subordination, as Bartleben said the other day. In the first place, the troop subordination, and a specialized subordination. The superior of the medical officer can be both. He can be a medical and a military superior or only a medical superior. I shall explain this by an example which shows it more clearly.

The battalion physician has his battalion commander as his military superior, and he has his divisional or corps physician as his medical superior. For this battalion position there is the relationship of subordination in two lines and to two persons--the commanding officer on the one hand and the divisional physician on the other hand, and it can be different.

Let us take a case in a hospital. The chief physician of the hospital is the commanding officer on the one hand, the military superior of all the officers, non-commissioned officers, and rank and file in the hospital. On the other hand, however, he is at the same time the medical superior of all the medical officers and so forth in the hospital. So are, for example, the medical officers and so forth in the hospital.

That is a military order. Or: The section physician of the internal section will hold instructions for non-commissioned officers and men tomorrow afternoon. Or: Tomorrow I shall inspect the hospital; section physicians, nurses, non-commissioned officers, and so forth, will be at their posts. Those are clearly military orders. The chief physician in his capacity as military superior can give them.

Now, to stick to this example, the next morning the chief physician begins his inspection tour. In the surgical section he looks at the pati and the case histories. He sees that the case histories are not detailed enough, that some entry is missing, that everything that should be there is not there. Then he can give an order: In two days I want to see these case histories filled out completely.

Now, he comes up to a patient who has just arrived. The section physician presents the patient and explains what his diagnosis is and what treatment he intends to give the patient. The chief physician does not agree. He has the impression that something is overlooked. To take a si example, the chief physician thinks that it is appendicitis which must be operated on immediately, while the section physician says, "No, I don't need to operate."

Now, the two do not agree. The section physician, who is in charge of caring for the patient, says that it is not necessary to operate. Th chief physician, on the other hand, has the impression

[illegible] something must be done immediately. And now I come to the decisive question: Is it sufficient for the chief physician to say, "My point of view is that this patient needs an operation," and then let the thing go, whether the section physician does it or not? In contrast to the [illegible] of these histories, he cannot order this patient to be operated on. That cannot be done. He can only express his medical opinion, and the patient must not suffer from this. By announcing his opinion and then doing nothing else, the chief physician would not have done his duty.

Let us carry this example further. The section physician maintains his opinion that the patient does not need an operation. He does not operate, and the patient dies. Then, with at least, the section physician is innocent in regard to mistake, and would be undeniable, but the chief physician would not be free from guilt, because he had not done his duty. It is the duty of the supervising medical officer to take adequate precautions. [illegible] of the opinion that the proper medical treatment was not [illegible], he did not merely [illegible] that the [illegible]; he had [illegible] their error. [illegible] did not [illegible] if that [illegible] the [illegible], in his opinion, [illegible] operated, or, perhaps, [illegible] if did it.

[illegible] the distinction: The superior does not give the [illegible] of [illegible] treatment. He can only give instructions. The responsibility for medical treatment lies with the [illegible] actually treating the patient. This is the difference between instructions in military orders and in [illegible] [illegible].

Now, I may add one thing which has already been brought up here. On the basis of meetings, directives were issued for treatment. They are incl in this matter of instructions. This is something else that has not been brought out enough yet. If we gave instructions which were based on ampl experiences of qualified and trained doctors, then we had to make availabl the necessary facilities for such treatment. It was important in this fi that the doctor have the facilities, the equipment or the drugs which h needed to carry out his treatment. If we issued such directives for tre then it was inseparably connected with this that the facilities mentione were also issued, that the doctor in the field have the opportunity of ge the drugs or the special equipment which he needed for the recommended tre ment.

Q. Professor, you mean to say that the chief must exercise care in the selection of physicians?

A. Yes.

Q. But that step he has no - - - influence on the execution of th instructions given, unless he has - - - evidence about the quality of the supervision, of that subordinate medical officer?

A. Yes, for that reason, I reserved the right to appoint doctors - - large - - - - - myself in order to be sure that the right people w set in the responsible positions.

Q. Now, I come to the next question. You have spoken several tim of research assignments. Will you please tell the Tribunal everything ab research assignments as issued to your agency?

A. There were two ways for such assignment. One was that the tasks were carried out at our own institutes; the other was that they were carried out in institutes which did not belong to the Luftwaffe. For the first we this developed mostly from the work of the institutes, which partly on their own initiative, and partly from us, obtained assignments. In the second case, there were various possibilities. First, we might learn that some institute or other was working on things which interested us, or that the directors of the institute approached us and asked us for support in some field. Then we considered the matter and the heads of the institute made offers for costs or for personnel needed for the experiments, and then we issued the assignments. The planning — for example, take the typhus vaccine are tests which were renewed from year to year. In 1941 things arised for the and then an extension was asked for repeatedly because the work had not been finished.

Q. I'll come to that later. Professor, what can you say about your eligibility in typhus experiments with which you are charged? I shall show you document book 12 of the prosecution, page 99, document number 137 of prosecution, Exhibit 142. Do you have that? From this, the prosecution claims participation or knowledge of your office concerning the typhus experiments.

A. No; that is the typhus vaccine assignment which was issued to Rogan at that time. This is a production assignment for typhus vaccine. It is not a research assignment about typhus. That is how I understand it. It was issued for the first time in 1942, renewed in 1943, and renewed again 1944.

Q. This assignment could not have been given under your —

A. No, it was given in 1942.

Q. Now, will you please look at document No. 131 of the prosecution, Exhibit 209, in the German Document Book, page 99, Document Book 12. What conclusions can be drawn from this document?

A. That refers to the same thing that has just been said. I said, vaccine assignment, as the text says here: "The research dealing with

dry spotted fever vaccine from vitelline sac cultures are to be continued. Therefore the 4,000 RM requested for the research fund are being placed at your disposal." It is signed by my Chief of Staff, Kant. That explains what I just said. The assignment was issued in 1942, and renewed in 1943 and 1944. I must briefly go into our financial arrangement. I assumed that in 1942, Rhagen made an application in which he estimated the cost, but, as is no doubt the case in other countries too, our budget was always only from one fiscal year to the next. That was from the 1st of April to the 31st of March. But, I shall give an example — if Rhagen estimated the cost at 12,000 RM, and said from the very beginning: "I will not use that up in the first year; that will take more time," Then an allowance was given him for 4,000 RM. Then, in the next year, he needed to give only a brief application, and he received another sum for the next year, and that was how it was here. It was a long option. Now explaining why this research assignment was not given to me. It was taken over by my Chief of Staff. It was in his assistant's, Mrs. Chaim's, hand current matters which were not anything new. That would have been unnecessary work, if that had been left for me.

I witness, is you have ever done any research on human beings, inmates, or will we have been subjected by Professor Rhagen?

A. No; Rhagen never held me of some experiments, either in writing or verbally. We did not have any assignments from us which included such work. The fellow four assignments had already been mentioned, and the typhus vaccine assignment, as the document just shown indicates, was an assignment to produce vaccine from vitelline sac; that is, chicken eggs — not that he wanted to do it on human beings.

Q. Don't you have any personal relations with Professor Rhagen?

A. I really didn't have any personal relations with Rhagen. I saw him once or twice — once, maybe. Then I visited him briefly in Strasbourg. That was an inspection trip. I looked at the surgical clinic in Strasbourg, briefly, and the things connected with it. It was under Professor Gebhardt, who was a certain [illegible] writer, and the time was very

short, but I was in the Hygiene Institute briefly. I visited Hagen there. He showed me his institute and I remember particularly from this institute the large supply of animals. He had very well arranged and cared for stalls for animals so that one got the impression, which he confirmed when I questioned him, that his institute did a great deal of work on animals. Our office often had to help him to get experimental animals, but, in the main institute, the public arrangement, there was nothing to indicate that there was any connection with experiments on human beings. The persons who were with me at the time will testify, no doubt, confirm that nothing was said about human experiments, but only about animals.

Q. On this occasion, did you see laboratories for the purpose of production of vaccines?

A. Yes, Yes; we went through them.

Q. You were no doubt interested in this production, weren't you?

A. Yes; the instruction room, the university was connected with the institute, there was a big lecture hall where a course was taken place and two normal smaller lecture rooms, divided into the various types of vaccines, where vaccines were produced.

Q Professor, will you tell the Tribunal about your attitude toward experiments on human beings?

A My attitude on that does not differ from that of the scientific world in general, the principles recognized by the scientific world in general. In experiments on human beings, one must differentiate three groups: First, experiments in which part in poisons, viruses, germs, are introduced into human beings. Then, experiments in which vaccines are introduced into the body. And, in the third place, experiments in which the environment is changed. In the experiments under one and two, these experiments take their course through the blood when material has been introduced into the body. In the experiments under three, changes of the environmental conditions, the person in charge of the experiments alone has the power of changing the conditions of the experiment himself. If there is lack of oxygen, one can introduce oxygen. In the case of drinking water experiments, one can give the subject drinking water. In other certain experiments, one can often produce conditions that will produce morbid conditions.

Q What personnel group of persons may conduct such experiments on human beings?

A Primarily, the physician himself and his assistants, may experiment on themselves. That is known in medical history, and many doctors have been known to have experimented on themselves.

Q When you are speaking of experiments in which the doctor experiments on himself to achieve a certain purpose, can the purpose always be achieved by such experiments alone?

A No, that is not always possible. Often, it is necessary to extend the experiments. It is in all cases, and the assistant or medical student, or child, in the medical corps, volunteer for such experiments.

Q What significance do the war futuristic conditions have in this connection?

A The war perhaps creates new situations such as epidemics also can create and it can be necessary to use other experimental subjects than the ones just mentioned. The questions are given and have been carried out on

criminals, who have been condemned to death. They are given an opportunity to atone for their deed in a different way by volunteering for such experiments.

With all the objections which one could have to such experiments, and which are often expressed, I would still have one [illegible] thing to say under war conditions; the military superior in war time is often forced to give young, enthusiastic soldiers assignments demanded by the circumstances of war, which will almost certainly bring about the death of these young soldiers.

If we must give such assignments, then I believe it is possible in these experiments, which I mentioned, first, if they actually have a really vital purpose and the results of which will save the lives of many other people, then I believe [illegible] justification to order such experiments.

Q. Then, if I understand your correct, Professor, you say that under certain conditions experiments on human beings are permissable?

A. Yes.

Q. The [illegible] such experiments are carried out from your point of view?

A. Of course, such experiments are justified only if all conditions are fulfilled, that is to say if animal experiments, experiments on one's self, and experiments on a small scale have been exhausted, then one can resort to those which were just mentioned. But, I hold the point of view that for the sake of medically necessary experiments, the experiments in the hospital must be the decisive thing, that is the drugs, etc., which are to be tested must be carefully [illegible] with all the conscientiousness of the doctor, but at some time [illegible] must be taken out of the laboratory [illegible] other - [illegible] - but the [illegible] must be tested in such a way that it is not [illegible] unavoidable harm. No doubt there will be failures, the [illegible] will not be [illegible] reactions [illegible], which [illegible], headaches or something. [illegible] things which are [illegible], but they are bearable and are bearable.

Q. Witness, perhaps you remember Dr. Ehrman's report on the observations of a newly introduced vaccine - N.S.V.?

A. Yes.

Q. It is in the German Document Book 12, Pages 120 to 122, it is Document No. 130 where this report of Ehrman is dealt with; then Ehrman's further report, which the Prosecution has submitted, Document No. 302 - Exhibit 302 of the Prosecution. You will find that on Pages 90 and 91 of the Document Book 12, Page 86 of the English translation. Ehrman's report is on Page 120 and the other report is on Pages 90 and 91 of the German and No. 86 in the English.

A. This first additional report about the vaccine was issued by Dr. Ehrman in connection with typhus vaccines which were in flight. This is an essentially well known vaccine; typhus para-typhoid A B and cholera. This is a mixed vaccine which other nations have frequently used too. In this type the amount of the various vaccines had been changed. I don't know what the purpose of this kind of simplification was intended for. It had been tested enough to be used on the troops on a large scale. Ehrman made a very detailed report and he described that the reactions and 30° fever in one unit and in another 38 to 39. He described the good and bad effects of this vaccine, but on the whole it was quite satisfactory and did not have the effect desired. The loss in efficiency of the troops were quite high on the whole. It was the other, which I have mentioned before, we wished to have the plunge with changes and we saw that it had such consequences, but things must be borne in the interest of the security [illegible] not being our actual base to be persons involved.

The second report is characteristic, because it pertains to the typhus vaccine work which Hopkins was to do for us, and in the report shows various methods of vaccine production from chicken eggs. The question was mentioned, which is better and which produces the greatest quantity of vaccine; and Hopkins as a scientific specialist comments on this question. He comments on the experiment given, he gives the opinion of the Sobrin work for example in their method of production.

The MARSHAL: Mr. President, the defense counsel on this point is not yet complete, however I do not have the answer to the questionnaire sent to Professor Sobrin. I propose to read it later, Professor Kruid. Unfortunately, I learned of the address of this witness at least that for this reason a letter sent has been delayed. I ask to reserve the right to read the answer later, together with the other documents.

M. MARSHAL: The prosecution is ready to proceed, at this point, but we will have to interrupt the testimony of Professor Kruid, which the defense counsel has just mentioned, - which is necessary to testify and we will not look with favor on the application for extra time or interpretations since the witness is actually here in the court. This witness, Kruid, was a specialist of Dr. Sobrin - that was to have been considerable during the course of this trial and if the witness has a chance to return to Germany, then, of course, the proceedings is subject to the discretion of the defendants or affiliate a party Dr.

DR. SEIDL: Would it be possible that the proceedings could be adjourned in regarding the testimony of this witness?

M. MARSHAL: I do not know. We never received any excuse on this witness. If we do receive it at the Secretary General's office, I suppose by the days of trial in the witness box, so the prosecution will be ready to do so, subject to rebuttal later.

DR. SEIDL: Of course, all objections from the Defense Counsel for the presentation of witnesses are thrown into office if the Secretary General and the prosecution.

M. MARSHAL: If the trial closes, it is to be requested by three

or four defense counsels for the testimony of this witness. We have always understood that she would be brought to Nuremberg. Now, the defense counsel has just mentioned that they have added three or four questionnaires to her affidavit in the nature of an interrogatory. I would like to point out that the prosecution will most certain object to that when it is offered. We think the witness should, if brought here, she worked with Hess and no doubt she has considerable knowledge of what he did.

THE PRESIDENT: The Tribunal, of course, understands your position, Dr. Seidl and the position of the defense counsel as well. Of course, if the evidence of the witness here is herself, the last part of the affidavit would be eliminated, that is if interrogatories and cross-interrogatories should be submitted to the witness.

DR. SEIDL:

Q. Professor, I now go to the incident in which you participated directly and which was conducted under your responsibility; is that right?

A. Yes.

Q. Tell us, was this the solution of a problem, which was of great importance from a military and medical point of view?

A. Yes, it was a problem of great importance. In order to water crews of ships in question, which was long unsolved, but in cases of distress at sea and on rafts it did not be made drinkable at if sea water up to 10% was in an level problem.

Q. Now, why was this circumstance such great importance?

A. Experiences of distress at sea have shown that the problem of thirst is by far the most serious problem of distress at sea. The freezing which many shipwrecked persons suffer, is not close to the third and at the very serious, but not so much especially fatally. Frozen persons, long survivors in the cases of ships, which were suffering from thirst rather or cases and suffer less than those of hunger. Then even [illegible] by drinking themselves in the sea. For example, it is easier than fourteen days, at third, stick under their suffering of cold.

Q. Then, as medical chief, you considered it your duty to take advantage of any opportunity to examine it carefully in order to solve this question and to test it for its practical applicability?

A. Yes, that was an important question in my sphere of duty.

Q. Now in the terms of your long career in the medical service, did you not have practical experience in this field?

A. Yes, in the Mediterranean. When I was fleet physician in the Mediterranean area, I often had an opportunity to see fishes, which had been poisoned by the use of explosives. It was always the same question of whether that the use of explosives, when one talked to them about the incident, in the previous of their service was always in question.

I remember one case in particular. It was a young fellow, who had been always very careful to be safe in the observation. He was a student of Natural Science and he had taken a very critical attitude. He had observed his condition very well from the beginning of his injury. I saw him in the hospital. When he was released, he had lost all of his equilibrium of the equilibrium; he had merely the left ear left. So, he was without hearing for a long length of time. In the group he collected there, there were in the reef there the dynamite had been used. Suddenly he fell overboard and with the fall he had received a blow on the back of his head. He was found in a state of unconsciousness, with a severe injury to the spinal cord. He was severely injured. He had an open wound, he was bleeding and other fishermen pulled him from the water in a dangerous way. But, within two months he had recovered his equilibrium and the injury to the spinal cord without a trace.

Q. Then from such a conclusion which you should you have drawn?

A. Yes.

Q Now, when did you learn for the first time that this problem had been solved?

A In May '44, in the first few days, I can't say exactly when, but as far as I recall it was about that time the director of my aviation medical research institute told me — that was Professor Stuckhold — told me that he had found a solution in his institute. He had a young associate there — that is Dr. Schaefer here — who had solved the question.

I was, of course, greatly interested and I asked him to prepare this so that I could look at it. Then a few days later when I happened to be in Berlin I went to the institute and Schaefer showed me his process. That is what I said Schaefer. He mixed our water with a salt mixture and put the whole thing through a filter, and then he gave me this filtered water for drinking. I drank it, and I can tell you it was fresh water. It was quite drinkable. Then I talked to Schaefer about it for two reasons.

In the first place, in order to get a kilo of water one needed 200 grams of this salt mixture. In the second place, a rather complicated filter was needed, and since in the air emergency equipment — and I was often interested in such matters — we worked with a letter scale, I might say, and with a very limited crew space, this large amount of salt and this complicated filter I wondered whether that wasn't too voluminous for the emergency kit. That was an objection which I raised first. Schaefer told me that he would improve his process so that the proportion would not be one to five as it was now, but one to ten. That was a considerable change. And he also told me that this only an emergency filter here; that it could be made differently so that it would take much space. I made a suggestion that the filter could be used in flying or something like that. That was my first acquaintance with a solution of the aerator problem.

THE PRESIDENT: The tribunal will now be in recess for a few minutes.

THE MARSHAL: The Tribunal is again in session.

BY DR. MANN:

Q Witness, when did you hear for the first time of the Berka procedure.

A I think that this was in May 1944. At that time I heard, for the first time, of the experiments, which were carried out at the Aviation Hospital in Vienna by Oberstarzt Von Berani. At the time the situation was as follows: At that time two procedures were discussed; one which we had tested in Berlin, and the other one had been tested in Vienna from the technical side, independently from the medical aspect. Toward the end of May I was informed by the Section Head of the Medical Department, by Oberstarzt Hirn, that these questions should now be decided, and he requested me to attend a lecture by Becker-Freyseng, who had participated in a meeting at the technical office. The technical office was an agency in the Luftwaffe which dealt with all technical questions, from the development of airplanes to the technical details, also with the equipment of aircraft and other things which were in any way connected with it. It was not always quite easy for us to work together with the technical office because very frequently the technical office decided on questions which pertained to the medical part without consulting with the medical office. Exactly the same thing was done in this case; they developed this Berka process, and they had tried it as purely a technical matter, by finding a drug which was primarily developed in the sea for birds, and which also contained some component to improve its taste, and which was to be added to sea water. With this drug the salt in the sea water was not chemically tried out afterwards removed from the water. This was done in the Schaefer process, but only the taste of salt was improved by adding sugar and other aromatic materials. The technical office had also initiated experiments on its own initiative. The engineer of the technical office could have developed a Berka process, and he was at the technical high school of learning in Vienna, and he had carried out his work in the laboratory there, and he then contacted one of our physicians.

Q Please speak a little slower.

A There is not a related tests that he had tested in drug which had developed at the hospital in Vienna on patients who were slightly ill. The results appeared to be rather favorable so that the opinion was reached there that the drug ought to be introduced. In addition to this Professor Eppinger, one of the most famous internal surgeons, had moved to Vienna and he likewise expressed himself in favor of adopting the test. That is, he expressed himself in a very cautious manner, saying that he considered as feasible the possibility of passing the scrutator through the body.

A special situation had arisen for me as medical chief. I had to consider two aspects, first of all, the purely medical aspects; and on the other hand I had to consider the possibilities of carrying out the plan, that was with the best possible means to do so, as, for example, the Schaefer procedure, without first considering the standard of research at that time, if I did not have the necessary raw materials. The position in 1942 was mainly influenced by the fact of what was available and still available, possibilities of production. The question was only still a matter of intuition and plans as to what the raw materials available.

With the Schaefer process the difficulties were before. First of all, extensive technical facilities, which required a large percentage of time. Furthermore, for the reduced quantities a considerable amount of labor would be needed certainly. These were the things which existed for us. Larger facilities were required for the production of the only one of other tests in the charts which the inventor furnished. The doctors of different fields and those in charge of the basis of available raw materials, and I can understand their point of view completely because on the one hand there was a lack of materials and large facilities, they still were necessary.

I had to reach a decision. Can this product which is now fully tested, raw materials [illegible] the information tests are made at the Vienna hospital in Vienna, in spite of all these facts,

[illegible] still in favor of adopting this process. Also, the [illegible] of [illegible] like Hager, the well-known [illegible] of Germany, was favorable towards adopting this. Thus, a [illegible] reason for the [illegible] could not be reported with yes or no. For [illegible], the possibility [illegible] existed that for several days or a longer period of time the [illegible] could be obtained from the gas masks equipment would have been obtained; [illegible] in the instructions it [illegible] have been stated that one thing is to be used for the first four or five days, and then the other process is [illegible]. In addition to this, the German Army could be [illegible] to the size of small cubes, or else it was a salt fixture which could be easily [illegible]. All these points are not to be discussed [illegible] when these [illegible] were handled [illegible], 1944, and were subject to discussion.

3. [illegible] the gas masks received was [illegible] days war, [illegible] each other?

A. No. No improvement was needed in the course of this testing. I had talked to a more extensive [illegible], and in the technical office as well as [illegible] the decision was [illegible]. Becker-Freyburg [illegible] requested Engineer [illegible] to come to Berlin; and, further, some [illegible] of the technique formed a smaller circle; and the views pro and con were discussed. There [illegible] of the very clear attitudes [illegible] together on [illegible] theory was considered which [illegible] test [illegible] procedures in order to compare them with each other. In a very short time [illegible] important that the procedures [illegible] next to each other.

4. Gentlemen, what did you [illegible] to make such a [illegible] on [illegible]?

A. As I have previously stated, last of all through the medical [illegible]. I started to carry out these experiments with [illegible] and [illegible] these [illegible] were particularly [illegible] for [illegible]. They were the [illegible] and [illegible] as [illegible] and set clinical controls which were applied. [illegible] carry

[illegible] not themselves. Thus they could have learned something themselves - or then they could also have collected this or pertinent, which was important to me at the same time.

Unfortunately this could not be done because in the meantime--but I not know when--I returned from [illegible], and an order had arrived from the general staff that these conditions had to be made to vanish; that is to say, that they were put into newly activated units.

DR. MARX: May it please the Tribunal, I shall offer the statement of the witness in evidence by presenting a statement of General-Arzt Dr. Schmidt, who at that time was Commander of the Medical Academy of the Luftwaffe, and I shall submit this affidavit, together with a document book "Sanroeder."

BY DR. MARX:

Q. Witness, now that this possibility did not exist any more, what further steps did you take?

A. I then turned to the hospital and in such cases I always liked use troops myself in experiments or in other tests of a technical kind, that was the aviation hospital at Brunswick, and it was directed by General-Arzt Herringhausen. He was a man who was ready to act in all suggestions with the testing of dressings and similar things or special methods of treatment which were to be tested, and I knew that I could find special support and assistance there. I called Herring-Hausen by telephone and asked him if he could assist me. However this attempt failed also because he wanted to back up something new. These things took place towards the end of May or the beginning of June, 1944, at a time when we were evacuating hospitals the first and transports of severely wounded patients were being transferred to the homeland and when Brunswick, Gallo, Greifwald were all receiving such number of severely wounded soldiers, so that we were unable to put lightly wounded patients in a sufficient number which could have been used in the experiments. There was also an additional factor, the air attacks began to grow in intensity at that time so that the bringing in of the patients sometimes a day into the air raid shelters and bringing them back into the wards made orderly supervision impossible and could not guarantee them any care under these conditions. Therefore, it was also impossible to carry out experiments at Brunswick.

Q. Were you able to tell us at what time this notification was given to General-Arzt Herring Hausen?

A. Yes, on the 1st of July. It was by accident effective on the 1st of July that he was promoted to General-Arzt. I had intervened in order

have him promoted and on the 1st of July at noon I received notification that the promotion had been approved. I then called him by telephone and that occasion I discussed this request with him. Otherwise, I would not remember the dates any more, it was July accidentally.

Q. May it please the Tribunal I shall present an affidavit of the General first Harring Hausen to the Tribunal on that subject, which shall be contained in the Schroeder Document.

THE PRESIDENT: These affidavits may be presented with the document book is prepared

BY DR. MARX:

Q. Professor, will you please now tell the Tribunal about the continuation of this matter.

A. May I add, that Beigl-Bosch also tried to lodge this series of experimental persons at his hospital at Hohis but that failed also.

Q. Witness, you have already described to us in very short sentence the situation that prevailed at the time and the situation which confront you.

A. Yes, there were the big difficulties. That was a time of the general attacks and air activity over Germany was particularly great on the part of the enemy, and on our side the last efforts were made and where we tried to obtain everything that could be obtained at all, and also the hospitals had to make room, because as a result of the air attacks hospitals were constantly lost and thus the situation was such that such a number of experimental subjects which might have been carried out formerly without trouble and we did carry out troop experiments in hospitals and they could have been billeted there without any difficulty. This simply could not take any more within the frame of such a hospital where the bed space was about eight to nine hundred beds.

Q. Therefore, you were confronted with a certain emergency situation because these experiments had to be carried out somehow.

A. It was an emergency situation because on the one hand a decision was urgent and on the other hand I had such difficulties in order to find a

place to carry out these experiments, then the suggestion was made to me which originally came from the technical office, to carry out the experi in a concentration camp, because it had been shown by experience that no large scale air attacks could be expected there. I then went to see the Reich Physician SS Grawitz, and I described the position to him and I a him if he could help us in this respect and with regard to this matter I been told at many agencies that already on a number of occasions previou we had been aided by the Dachau concentration camp. However, I told him of all I wanted to discuss these things with him in order to see clearly i this was feasible at all and that I did not get another disapproving stat in this case if he were to declare to me beforehand that it was impossibl However, Grawitz considered it quite possible but he told me the decision not up to him and that the matter would have to be referred to Himmler, a I then discussed the matter with him and I said: That I know that we fro the Wehrmacht occasionally were furnishing people to the concentration ca They were people who had been dishonorably discharged from the Wehrmacht, and they were people who had also been soldiers and who perhaps should be given this opportunity so that they could volunteer for such an experiment for their former comrades, which in any case did not result in any danger their lives or their health. Furthermore, I told him at the time it was possible for us to obtain full aviation rations for that period of time a full hospital rations should be an attraction, that is an allotment of fo which is about twice the ration of food in Germany, because the food for aviators was between 3500 and 3800 calories and at the time the food in Germany contained 1500 to 1700 calories, and this certainly should be of some attraction to some persons, because military personnel is always pr for increased food rations. I then briefly described the process of the experiments to him as they had been described to me but I did not go into detail for the most part because those things were things supervised by us and we had agreed on that in the preliminary discussions. Then Professor Ruddock, an especially experienced medical man, was to be in charge of

the experiments and that this exclusion of damages to the body and the physical health should not rest with the agencies of the SS, but that the responsibility for it should rest with the men in charge of the experiment who was appointed by us. This agreement was made with Grawitz and I requested him that if he did not want me to route the request over him to the Chief Minister of the Interior and to the Chief of the Police, that we should explain the situation to Himmler, in case he desired that, because I did not know him personally, and because I did not have any contacts with him and we remained with this state of affairs at that time, and later on and only after the experiments had been concluded I found out that gypsies had been used for them. I have seen here from the correspondence that Grawitz raised no objection on the spot. I assume that these objections were based on discussions where I spoke of former soldiers unfit to serve in the military forces and I hoped they would be furnished to me for the experiments.

Q Professor, did you express it clearly to Professor Gravitz that volunteers, that is people who were voluntarily participating, were necessary in order to guarantee successof the experiments?

A Yes. I emphasized this particularly and I would like to say, not only with regard to what has developed here now but for a different reason. It was a purely medical point of view because in particular in the case of such experiments it will depend on the person and I made a differen already in the discussion with regard to experiments with virus infection or some other bacteria or diseases, or experiments where the surroundings were changed - and our experiments belonged to the last category. If in case the experimental subject does not himself actively participate, but already on the very first day when he does not feel so well he says, "No then I will never be able to reach any success whatsoever on a human being that I would have to force every day to drink something. With that person I would be unable to achieve any results. But he must have a certain amount of interest for the experiment. I must explain the subject to him previously - that he will take an active part in the experiment - and I ask him "Are you interested now to go through with the experiment?" For that reason his volunteering is the most important part on this subject. I cannot do that with persons when forced to take part in the experiment.

Q Witness, on the 7th of June 1944 you addressed a letter to the Reich Minister of the Interior and Reich Fuehrer-SS. This letter is contained in Document Book V of the Prosecution, on page 16 - Prosecution Document 185, Exhibit 134.

Before I continue, Mr. President, I would like to point out a note which has been sent to me, that previously the period of time of the telephone conversation with Sievers, is alleged to have been placed by mistake on the 1st of July, should be the first of June, and not the first of July, which is also confirmed by letter to the Reich Minister of Interior and Reich Fuehrer SS.

Professor, do you have this letter before you?

A Yes.

Q It contains the following: "It already gave the Air Force the possibility to clarify the matter under question of experiments on human beings." How did you make this introductory remark and how did you know anything about experiments which had already been carried out there long before your appointment in the office of the Medical Chief?

A I was told in the course of discussion. The question whether h the experiments should be carried out and I have already stated that two possibilities existed for me, to carry out the experiments in the Academy and in the hospital -- and that I failed in these attempts and had to choose another way. On that occasion I was told that something regarding this had been done and that experiments had been carried out in concentr camps. In those camps at the time I wrote the letter - I did not know anything the composition or organization of those camps. It may sound stran for me to say that today but that is exactly the way it was. At the tim wrote the letter - at the time I signed it - I did not know that any experiments were confined to those camps. I was only informed about that after the capitulation and I only thought of dishonorable discharged re of the German Air Force.

Q And then you write further. I quote: "I am again confronted b the decision which after numerous experiments on animals must have a fin solution by means of experiments on volunteer human beings." From this i could be concluded that now the experiments were not to have been carri out any more on volunteers and that possibly they should be carried out persons who were forced to take part in them. What is your opinion on that subject?

A I believe this conclusion cannot be drawn from it if you consi what I have stated with regard to that subject earlier, because neither i the military nor in the Luftwaffe hospitals, could I have been able to ha experiments carried out on involuntary subjects because the natural re with would have been the voluntary character of the experimental subject

And I can't understand why it should be different here when it appears natural in the two different places, and aside from the fact of what I have just stated. The active participation of the experimental subject with regard to an experiment lasting in changing the surroundings - this also applied to the high altitude experiments in the same way.

Q Therefore, by adding the word "involuntary" you wanted to express the fact that in this expression volunteers were again involved?

A This was a statement which I included as natural.

Q Professor, when you approved these experiments did you have an idea that these experiments were dangerous to the health and life of the experimental subjects?

A No. I did not burden candidates at our school with experiments which would be dangerous to health or life. And, in the second place I had practical experience from the time when I was Fleet Medical Officer and I described here a pilot aviator who for six days and seven nights had rest in the Mediterranean. Now, this was certainly an extreme case. However, I have seen many other cases of persons who had drifted for several days - 2 or 3 days. And, at that time in the Mediterranean area we had pointed out to the internists, and the consulting internists also made close observation about it, whether these people through drinking sea water had resulted in damage to the kidneys, etc, and we have found nothing at all. But, in every case we were confronted by the same picture when the persons concerned had been rescued, when given fresh water, milk, or any other liquid - coffee, tea, or any other liquid connected with fresh water - the greatest amount of illness was clearly removed. I really had experience on account of my previous activity.

Q So, the manner of the planning you have, in your opinion, taken precaution to avoid all dangers?

A Yes. That was clearly understood - that physical damage had to be avoided and also the experiment had to be interrupted if this water was refused. That is to say, if the man says, "No, I cannot go on any more" - then they were to be discontinued.

Q What do you know generally about the use of sea water in medicine? What do you know about the potential dangers which sea water can inflict?

A. I have had some experience in that regard. In the years 1937 and 1938 when I established the Aviation Hospital near Miami on the Island of Key Biscayne, I learned, for certain reasons, included certain facilities in the hospital and also the equipment necessary for sea bathing and also drinking cures to be used, especially in the Thirties, in the literature with regard to arthritis there was a lot said about drinking cures and sea water and also that certain successes could be achieved with it in an extremely simple manner, just by merely drinking sea water. Amounts of five hundred or one or more were prescribed or suggested as daily doses and I wanted to prove this problem worked as scientifically sound in fact as any I had also had specialists for that purpose. I had already made certain inquiries into the advisability of sea water. I believe I can state in connection with this that all persons who have over indulged in the sea certainly have always swallowed some sea water and if they passed out, too, as they generally have, at the impression of drowning in a solution of poison, in fact to use the words of the prosecution which spoke of the poison contained in sea water. I do not believe that this corresponds to the scientific and medical facts.

Q Professor, you have already previously mentioned the fact that this was a very old problem. It was a question of solving the problem of thirst. People who were drifting on the sea?

A. Yes.

Q. Did you know how other nations attempted to solve this problem during the war?

A. Yes. They had exactly the same problem as we did and nobody was further than in solving the problem. I know what all the Allied Air Forces and their scientists were not further there are. There are two things: One is the equipment. The idea is that the crew would put on in his rubber raft a fish net and that these fish could be eaten and that the juices contained in them would already

protect the person adrift at sea from suffering thirst. Well, this is not strictly orthodox, but this method could be used. Then, the other method was also brought up by the American Air Force. It was an evaporating plate — it was a cellophane plate in which a felt plate had been inserted. It was inserted in the water and then this plate caught the water and then the plate with the cellophane side was held against the sun. Then the sun water evaporated and then it came down in small drops from the plate. Then below this water was accumulated. Sea water could also be mined in this way, but in order to do this the sun had to shine. Otherwise it was impossible to do it. This equipment was used in the Mediterranean but for the English Channel and the North Sea it was not effective. We had those experiments repeated there and they did not show a sufficient amount of success. This problem was made for all persons who were flying over the ocean. It had to be solved but everybody was confronted by the same difficulties. The scientists here and over there were confronted by the same problems and afterwards the process which was developed by Schaefer was tried or experiments were made with it later on by the American Air Force. I cannot give you the chronological order of these things, but that is the way things are done in science. Various things are solved in the same manner at various places.

Q. Professor, what can you tell us about the results of the experiment at Lackland? When did you receive a report about it?

A. After the conclusion of the experiments. From the evidence which we have offered here I believe this was towards the end of October. I cannot remember the exact date, I am only a dollar short of that one day. I think I went to the Pentagon while discussions took place and that I only heard part of it because I had to go elsewhere. The result was what we had already expected from the medical point of view. That for the time being only the Schaefer Method could be used and that the Dorko Process could be used for several days but that we still had to develop a method, that the Schaefer Process was to be improved and adapted for aircraft such product as need to be learned.

Q. Did you receive any report that physical damage had been done in the course of the experiments or even that fatalities occurred in connection with the experiments?

A. I was expressly informed of the fact that no physical damage, no fatalities had occurred in compliance with my instructions. I assumed that to be natural because that was the basis on which the whole experiment had been ordered. But I asked that question specifically. I made that inquiry and the fact was confirmed to me.

Q. Therefore, if I have understood you correctly, then the core of your instructions was the limit of acceptability and that this limit was not to be exceeded? That is to say, that those people were not to have their health impaired?

A. No, that would have been contrary to my intentions. I wanted to ascertain what the aviator can do when he is adrift at sea and not what he

dense smoke. By giving an overdose I can inflict damage with every drug. I only wanted to see how much they could take.

[illegible] May it please the Tribunal, this concludes my examination of the defendant Professor Doctor Schreiber, except for listening to experts. I by calling witnesses and I am not as yet ready for that at this time for the following reasons. The gas letter complex will be dealt with once more in the course of this trial with regard to the defendants Doctor-Engineer, Beilfuss and Schefler. It therefore would be a superfluous burden on the Tribunal if at this time and in connection with the examination of the defendant Schreiber evidence should be offered by experts on the subject. I therefore request that I be reserved the right to deal with this complex when the evidence is offered by Doctor-Engineer, Schefler and Beilfuss at a later period of time and then to be permitted to re-examine Professor Schreiber again.

THE PRESIDENT: Counsel may have the right to cross examine the witness and re-examine the defendant Schreiber at that time if he desires. That right may be reserved to counsel for defense until the matter is brought up in the cross-examination of the defendants Beilfuss and Schefler.

As for the number of the witnesses that are present in Nuremberg, I [illegible] on it.

DR. [illegible]: In the complex of [illegible], Professor Vollbrecht will testify. Or this may be the [illegible] witness Grebel.

THE PRESIDENT: I shall suggest the motion be deferred until the proper time when we are finding this witness.

DR. [illegible]: If the Tribunal [illegible], the requests, of course, [illegible] and, as a matter of fact, is highly justified that the [illegible] counsel for Schreiber has not been a burden the court with [illegible] of expert testimony. However, where credibility [illegible] is now [illegible] Schreiber to the [illegible] of expert testimony, I think I [illegible] my [illegible] that [illegible] for the record that it [illegible] to see in this case of prosecuting defendants [illegible] in the [illegible] I am afraid it will prolong the trial intolerably.

THE PRESIDENT: Of course, C[illegible] for the prosecution has the right to object. It will be understood that there will be some [illegible] sufficient reason for recalling the defendant Schroeder to the stand. I stand ready to hear from at the time the effort is made.

MR. COLLEY: Very well, Your Honor.

THE PRESIDENT: Court will be adjourned until 9:30 tomorrow morning.

(A recess was taken at 1430 hours until 0930 hours 20 February 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 26 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the court.

THE PRESIDENT: Mr. Marshal, you will ascertain if the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present with the exception of the defendant Oberheuser, who is absent due to illness.

THE PRESIDENT: A certificate having been filed by Captain C.K. Rose, U.S. Army Medical Corps, to the effect that defendant Oberheuser is unable to be in court due to illness, the defendant will be excused from attendance today, it appearing to the Tribunal that her absence from court will not prejudice her interests and her counsel being present. The Secretary General will file the doctor's certificate. Counsel may proceed with the examination of the witness.

OSKAR SCHRODER - Resumed

DIRECT EXAMINATION (Continued)

THE PRESIDENT: I was informed by the Marshal that counsel for the defendant Schroeder desired to place a witness on the stand, the witness Jentsch. If the witness is in a hurry to leave, the testimony of defendant Schroeder could be temporarily suspended.

DR. MARX (Counsel for the defendant Becker-Freyseng): May it please the Tribunal, the matter pertaining to the witness Jentsch has been clarified. The witness Jentsch can be heard this afternoon.

THE PRESIDENT: Counsel may proceed.

DR. SALVATIUS: I am representing Dr. Nelte, counsel for the defendant Mandloser. Dr. Nelte is unable to attend today.

BY DR. SALVATIUS:

Q. Witness, you yourself were Medical Chief of the Luftwaffe for a

period of more than a year?

A. Yes.

Q. When you asked for a furlough, did you need the permission of the Chief of the Wehrmacht Medical Service?

A. No.

Q. If you had violated any regulations, were you subject to the disciplinary authority of the Chief of the Wehrmacht Medical Service?

A. No. The Chief of the Wehrmacht Medical Service did not have any disciplinary authority over me.

Q. When you wanted to have some people promoted, did you need the approval of the Chief of the Wehrmacht Medical Service in order to do that?

A. No.

Q. The things we have just discussed, are they not important indications of relationship with regard to the fact that he was your superior?

A. Yes. In military life these are the characteristics of a military superior relationship.

Q. I can deduct from this that Handloser was not a professional superior to you?

A. No, he was not my superior with regard to our professions.

Q. At the time the Chief of the Wehrmacht Medical Service was appointed, was this action welcome by the branches of the Wehrmacht?

A. When this agency was established in 1942, I did not see it in the ministry because at the time I was the Fleet Medical Officer of Sicily. But from some discussions at the time and later on I know that opinions on the subject were divided. At the time in 1942 when I saw for the first time this regulation in the regulation sheet, later on when I as Medical Chief had this position myself, and when I had to work with the Chief of the Wehrmacht Medical Service, I had always emphasized that I welcomed the establishment of this agency. However, I know that other people had a different point of view with us.

Q. Was there a clear settlement of the medical leadership wanted?

A. No, I do not think so. That situation arose from the conflicting opinions. I believe the idea of the superior relationships which were organized in a military manner was that this establishment of an agency in the middle of a war was not to cause any disturbance and unrest in the subordinate agencies and, secondly, was intended to give us directives as to how this agency could develop.— this is the way I understood it; and now from the requirements of our work, the basis was to be established in order to — after the necessary experiences had been collected — organize the position of the Wehrmacht Chief of the Medical Service as was necessary for a military agency.

Q. Witness, then several months of difficulties were first of all to be left to those persons participating in it?

A. Yes. You also have to bring into account that the Wehrmacht Medical Chief, as well as the Medical Chiefs of the Wehrmacht branches, experienced in their duties, and that they had been active in the military medical field for decades — in other words were qualified to work out the problems together.

Q. Well, did the Chief of the Wehrmacht Medical Service have an equal authority towards the other chiefs of the Wehrmacht branches?

A. Well, a difference has to be made in this respect. The Wehrmacht Medical Chief of 1942, in order to use a common title, was primus inter pares (first among equals), while the same position in 1944 had already been a subordinate because at that time he had the right to issue instructions — that is, he already had a certain amount of authority.

Q. If I understand you correctly, he was not yet superior but he was developing into a superior?

A. He was not yet a superior in the sense in which we understand military superiors.

Q. Witness, you spoke of a military superior relationship. Do you also refer to the specialist superior relationship?

A. Yes, that is what I have meant. That is what in the military se

we understand by the superior relationship.

Q. Witness, what was your predecessor Hippke's attitude towards this question. Did he recognize the Chief of the Wehrmacht Medical Service as his superior?

A. I have never discussed this subject with him because we only saw each other very rarely. However, I do not believe that he recognized him as his superior, that is, when I consider this from the military aspect.

Q. And what was your attitude at the time you took over the position?

A. As I have already stated earlier, expressly positive. I morally considered him as my superior, even if he was not in fact, and I did everything in order to form a basis for the future position, that is, in the form in which I informed him about things which seemed to be important to me and which I considered important enough to come to his knowledge; I also requested him to inspect hospitals of the Luftwaffe.

Q. Witness, Professor Handloser has been heard here and he has stated that no superior relationship existed; Hippke has stated something different. In your opinion, which one of the two is correct in his statement?

A. Handloser, that is quite clear, it is an indisputable fact. If I state that I considered him my superior, then I am only speaking of my personal attitude towards his position as Chief of the Wehrmacht Medical Service and my attitude did not give any new rights on the part of Handloser towards me, but that is only the way in which this thing developed.

DR. SERV TIUS: I do not have any further questions to this witness.

DR. ZIPP (Counsel for the Defendant Becker-Freyseng):

Q. Witness, where and for how long have you known Dr. Becker-Freyseng?

A. In 1936 I made his acquaintance when Becker-Freyseng entered the Institute of Professor Stuckhelt as collaborator.

Q. Did you see him frequently during the war and did you have discussions with him?

A. I beg your pardon?

Q. Did you see him frequently during the war and did you have any di

consider with him?

A. Yes, when I became Chief of the Medical Service, but not before.

Q. Now what position did Becker-Freyseng occupy in January 1944?

A. When I became Chief of the Medical Service he was assistant expert in the Medical Department of the Air Ministry and the regular specialist was Professor Anthony.

Q. When did this change occur?

A. Approximately May 1944. At that time there was a limitation in personnel: Anthony was an internist and was transferred by me to an air clinic as a consulting physician.

Q. And what did Becker-Freyseng become from that time?

A. He became the successor of Anthony, in the agency of the department.

Q. And you say, Herr Sachverständiger, that from the position of a specialist in a department position, Becker-Freyseng is charged with a great responsibility. He is charged with this responsibility by the Prosecution. How would you describe to us the position of a referent, a department expert in your opinion?

A. Yesterday I have already briefly described the inner organization of my agency and if I should say it differentiate now..... From the Chief of the Medical Service it went down to the Chief of Staff, from there to the section heads and from the section heads to the group leaders and the referents. Towards the middle of 1944 I had 20 or 25 referents (departmental experts.) These were medical officers who, according to specialities training in their capacity, specialized in individual fields. There were several administrative officers; there were also some troop officers. The referent (the departmental specialist) was the lowest agent in the official organization, with regard to the tasks which were entrusted to him.

Q. Now what tasks did the individual referent have?

A. As I have already stated, the referent is the person who works in a medical field, operating a renewal, aviation medicine, or something similar

Q. And now what did this work include?

This work included, first of all, the preparation of the reports and the correspondence with regard to these special fields and the further handling of all those matters.

Q. This was a proprietary activity?

A. Yes.

Q. Now, when mail arrived, was it immediately handed to the referent?

A. No. As I have already stated yesterday, a part of the incoming mail was handled by the registration official and it was passed on directly to the section heads and the more important open letters and the entire mail which was classified as Secret, went to the Chief of Staff, who worked the letter for the individual section heads or, if it was an especially important letter, he would pass it on to me. The major part of the mail, however, was directly or through the Chief of Staff to the section heads and they passed it on to their referents and the group leaders.

Q. You previously stated that the referents had to make the decisions themselves?

A. Yes.

Q. Well, were the referents at least independent in their proprietary work?

A. No, that cannot be said at all. The referent worked on the letter which he received, using files and other documents in order to perform his duty; he then prepared all these things in such a way that he could report to his section head about these matters — so that he could hand him a complete report. The report was then reviewed by the section head, together with the referent. The section head was able to decide independently in things of minor importance. In general, however, the section heads did not decide independently but they passed on these things to the Chief of Staff, who then signed these things; for the most part these things were signed by the Chief of Staff. Only when fundamental matters, or questions

by older medical officers were concerned, were these things then submitted for my signature.

Q. Therefore, I understand you correctly when I say that the referees did not have the authority to make any independent decisions?

A. No, he did not have the authority to sign any documents.

Q. Now if a decision had to be made which had been worked out by the referees — if this decision had to be made by the Chief of Staff or the Surgeon General — how was the responsibility for it divided?

A. I would like to say that the referent had the responsibility just [illegible] as to the work itself. The referent was responsible towards the section head for the correctness of the papers which he has used in working out the matter or the correctness of the papers on which he has based in order to perform his work. This section head had to [illegible] so that [illegible] the referent [illegible] was based on the facts. That was the responsibility of the referent. Therefore, the [illegible] superior was solely [illegible] responsible [illegible] relations [illegible] the outside.

A. The responsibility for the [illegible] was borne by the person who signed this letter. I can say this responsibility with regard to the work was [illegible] in such a way that in the [illegible] letters the number of the referent could be seen who had dealt with the work, so that by later reference afterwards the person could be [illegible], who the referent was and worked on the [illegible].

Q. That was the responsibility of the referent. Now, [illegible] who was assistant referent; and what actually is the position of the assistant referent with regard to his work and his responsibility?

A. The assistant referent was [illegible] I would like to say. Normally, [illegible] assistant referent. However, [illegible] which [illegible] that [illegible] by the referent. [illegible] really. Thus the assistant was [illegible] the [illegible] assistant referent frequently [illegible] section in [illegible] [illegible] frequently [illegible] particularly [illegible] special desk, and therefore [illegible] was carried [illegible]

[illegible] consistency. That is for the most part the position of the consistent referent.

Q. Now, Mr. Becker-Freyeisen, was for a [illegible] the consistent referent [illegible] of the Office of Strategic Services, [illegible] was not [illegible] the official referent?

A. Yes.

Q. Now, [illegible] I use a correct [illegible] Becker-Freyeisen [illegible] that [illegible] the consistent referent, was [illegible] of [illegible]?

A. No, if I remember correctly [illegible] for the most part of the time the [illegible] Office, [illegible] the consistent referent, he was not in our [illegible] at all, but I [illegible] scientific [illegible]. I remember [illegible] institution, [illegible] initially [illegible].

Q. May I interrupt, because [illegible] clarify [illegible] question. Was Becker-Freyeisen [illegible] all the [illegible] which were carried on in the [illegible] of [illegible] a part in a [illegible] consistent?

A. It is a [illegible] that [illegible] would [illegible].

Q. [illegible] with [illegible] Becker-Freyeisen's [illegible] referring [illegible], Mr. Becker [illegible] in your affidavit [illegible] Becker-Freyeisen [illegible]

A. [illegible] Becker-Freyeisen [illegible] after the [illegible], Becker-Freyeisen was [illegible] [illegible] over [illegible] the [illegible] in the [illegible] of his [illegible] Office, there is the [illegible] of the [illegible], [illegible] we are [illegible] in [illegible] every [illegible] to [illegible], [illegible] I was [illegible] in the Institute [illegible] I was [illegible], I was [illegible]

Part I

very frequently, because he was located so far away, and this tests were [illegible] medical [illegible] physicians like Smith, Brown, --- but I cannot recall [illegible] first name. They were the actual medical officers.

Q. Well, Dr. Becker-Freyseng was not a medical officer or a consultant but an [illegible] medical officers?

A. In such cases when critical [illegible], we have consulted Dr. Becker-Freyseng always, instead of the resident medical officers that I would have to do anyway.

Q. Who [illegible] was left [illegible] Dr. Becker-Freyseng's [illegible] referent was [illegible] his successor as resident referent?

A. I did not have any collaborator or successor as resident referent. At the time in my own initiative I had brought [illegible] to bear on all the work which did not have to do with medical [illegible] in the ministry, and I [illegible] this work to their [illegible] offices, and so in the field I activated a medical [illegible] system and then [illegible] a medical [illegible] which was [illegible] to us, and I turned all this over to [illegible] which was [illegible], so that there was no [illegible] referent in that office.

Q. Are you were field [illegible] the department?

A. I should tell you that [illegible] it should be put in such a way that a certain field [illegible], but everything [illegible] does not [illegible].

Q. Now, [illegible] Dr. Becker-Freyseng [illegible] at Strasbourg?

A. Some [illegible], in the field of [illegible] work [illegible] in the field of virus research [illegible], and these were [illegible] from [illegible] subject departments, and [illegible] were not handled by [illegible].

Q. The consultant department for [illegible] of hygiene was [illegible]

[illegible]-[illegible]-[illegible]-

File mark 49 was the medical service, therefore, if any letter was sent to an outside agency and at the left, under the heading, it was marked file mark 49, then everybody immediately knew, without even looking at the letter, that this concerned a medical question and it was assigned to the agency which had to deal with it. Of course, there were sub-divisions under the individual numbers.

Also there was a file mark 55. This referred to all research, research in the field of animal epidemics or mechanics or aviation medical experiments, it did not make any difference. File mark 55 was the code name for research and it had the big advantage that the keeping of files was facilitated very much, because you had only to keep those numbers in mind. All special files were kept together properly and this system had been introduced in my agency by my predecessor. Everything connected with research, that is the administration of this file mark 55 in the department, was located with the department for aviation medicine. This was the result of the fact that 90% of all research assignments, which had accumulated with us, were assignments with regard to aviation medicine. The administration of the aviation medicine departments had for many years been in the hands of high school teachers, Professor Bach, Professor Ludwig, Professor Anthony. They had been charged with administering this title for the main reason that they had the over-most assignment and secondly, because owing to the war, many regulations had to be observed in caring for these assignments as there were the priority numbers, personnel questions and many other regulations. There were quite a few formalities and of course they were administered by departments which were frequently connected with these things, as there were other departments who only worked on these matters once or twice a year. For this reason all research assignments were dealt with by the Department for Aviation Medicine. Now when assignments in the field of hygiene had accumulated, then the scientific aspect of those assignments and everything connected with it, was worked on by the Department of Hygiene. The administration matters were handled by the Department for aviation medicine.

Now, I am again referring to what I have already stated about the title and the note on the draft, if a letter or any reference had been needed from our agency because of an assignment, then we would have looked at the draft and on the draft we could have seen who had worked on the matt Then we would never have said that is aviation medicine and a certain perso is responsible for it, then we would have seen that it was worked on in the Department of Hygiene.

Q Then, it was done in such a way that in order to summarize the answer, you would know that the physician who marked No. 55 referred to all research assignments?

A Yes.

Q And all research assignments were dealt with by the department for Aviation Medicine and they were worked on in that agency. According to all formal aspects, that is the work, the specialized work, was left to the competent reference mark.

We will now come back to the question with reference to Professor Haagen; do you think the field of Professor Haagen was far removed from the Department for Aviation Medicine and that the specialized work in this case was not done by Dr. Becker-Freysing, but it was carried out by persons who were competent in that matter, Stabsarzt Atmer?

A Yes.

Q We will now come to the question of sea-water experiments. In the direct examination you have already answered these questions in detail and just for the purpose of clarification, I would like to repeat what I have deducted from the answers. I ask you now to confirm these questions. Did Dr. Becker-Freysing tell you that first on the basis of the attitude of the technical office on the one hand, as well as on the basis of the attitudes of Professors Eppinger and Helpner that through internationally recognized scientists work on the other hand, that the experiments were necessary; is that correct?

A Yes.

Q and in compliance with the requirement for carrying out the experi-

sents that these experiments were not dangerous?

A That is correct.

Q That the experiments were to be carried out in the form of proving experiments?

A Yes.

Q And if it should be impossible to carry out a proving experiment, only then concentration camp inmates were to be used?

A Yes.

Q The conditions for the experiments were to be the same in every case, regardless if they were with soldiers or if prisoners were concerned?

A Naturally.

Q Well that is what you inferred about the participation of Dr. Becker Freysing. You have previously talked about the responsibility of a referent and perhaps we can clarify this by means of an example; who was responsible for these experiments?

A Well, I was.

Q You, thank you. Then another question: did Becker-Freysing submit any reports to you? Reports from Ruff, Romberg and Beacher with regard to the field of high altitude, or reports by Holzlechner, Finke and Beacher with regard to the specialized field of freezing experiments?

A No.

Q Thank you, I do not have any further questions.

BY DR. ROSE: (Defense Counsel for the Defendant Rose.)

Q Professor, the Prosecution has presented an affidavit from you and it is located in Prosecution Document Book No. 5, with regard to sea-water experiments. It is Document No. 449 and is Prosecution Exhibit 130 and in it you have signed the following, among other things, and I quote: "Aviation Hygienist General Gebhardt Rose supervised the research work done by Professor Haagen." And I continue to quote: "Rose had to be informed about all research work, which was carried out by consulting hygienists like Haagen on behalf of the Luftwaffe."

Professor, regarding the defendants Rostock and Handloser. Now on the

basis of your knowledge of the positions and tasks of the consulting physicians of the German Wehrmacht - and they have in turn stated that such supervisory duties were even the authority for that and that the consulting physicians to the medical inspectorate did not have the authority to do that. Will you please explain to us just what brought about your statements to the contrary in the affidavit?

A. The statements in the affidavit are not the words used by me, but it is a summary from various interrogations, which were presented to me in this form at the time we discussed those things. If I hear it again in this form today, then I must say this is wrong or not a very good explanation.

The right to supervise, I have never claimed in the interrogations, and the consulting physicians did not have such authority. The consulting physicians had a so-called information authority, if I want to explain it that way. They could be ordered by the chief to be informed as to the progress of the work in order to report to the chief about it. That was their task and this question was proved more or less actively by the individual according to his tendencies.

Q. Therefore, today, you can likewise confirm the correctiveness of the testimony, which has been given by the Defendants Mostock and Handloser?

A. Yes, that is the generally recognized clear task of the consulting physicians. And this also refers to the positions of Professor Hess toward Professor Haagen.

Q. You stated earlier that this affidavit was not drafted by you, but that it was only presented to you for your signature?

A. Yes.

Q. In this original draft by the prosecution were there any other statements about Professor Rose, for example, the claim that Professor Rose had been the hygienist consultant of the SS?

A. Yes, it contained several mistakes which were false the way they were expressed, and in correcting these mistakes I failed to change this, or I would have changed it already at that time.

Q. In the same affidavit it is stated in another place, and I continue to quote: "Dr. Dohmen was his collaborator", namely, Haagen's. Now, I claim, Professor, that according to the knowledge which we have obtained here, Dohmen was not the collaborator of Haagen, but to the contrary, that he had a certain conflict with him, and do you agree with me now that this description in your affidavit is not correct?

A. I have heard that in the meantime. I made a mistake there. I assumed that they had already worked together at an earlier period of time.

Q. Then there is another conflict. Do you remember that in the fall of 1944 the SD, the Security Service, wanted to start a trial for treason against Professor Rose because Professor Rose had given lectures in neutral foreign countries, namely in Switzerland and in Turkey, in which he described in detail the progress which had been made in Germany in the field of combating typhus and combating malaria?

A. Yes, I remember that an inquiry from the SD was addressed to me at that time which contained these things.

Q. Do you further remember, Professor, that in this case above all, was information about the results of research by Professor Rose and other German scientists about the practical application of DDT powders against insects which were carrying diseases, namely all with lice in the case of typhus and flies in the case of malaria?

A. Yes, the question of these lectures abroad was already prevalent with us before Rose had held them by request of the scientific societies and had been clearly determined, and at that time a settlement was made that he should talk about these things.

Q. It is correct that prior to the speech of Professor Rose at Basel articles had appeared in literature of the belligerent countries about the use of DDT powders with regard to combating epidemics, and that such articles had never appeared?

A. Yes, at that time probably this powder had not yet been discovered.

Q. Can you confirm that research was involved in this case which was of the utmost importance for the troops in combating epidemics?

A. That is a research of the utmost importance.

Q. Do you know the reasons which Professor Rose gave at that time for his attitude; namely, that the results of medical research even in times of war should benefit all mankind?

A. Rose, through his course of life and through his training, was used much more than we in working together with foreign countries. He was assistant in Switzerland and he has spent many years in China. He has worked in America, and in this way he has seen the large framework of scientific collaboration much more than we did, and he has incorporated this into his manner of working. In this course he desired to hold these lectures. It was at one time by suggestion of his friends in Switzerland and also because of his own attitude, and he wanted to give this information to all circles regardless to what nation they belonged.

Q. Professor, but you yourself agreed?

A. Yes, naturally. Otherwise it would not have been possible because we had to apply for passports.

Q. And later you had an inquiry about the defendant Rose from the SD?

A. Yes.

Q. And did you also request the Chief of the Wehrmacht Medical Service to comply with your attitude?

A. Yes, I had to do that because the inquiry by the SD had probably been routed through the Chief of the Wehrmacht Medical Service, and that is the reason I had to give him exact information.

Q. Then, a few more questions. Did Professor Rose, as consulting hygienist, have anything to do with problems and questions of aviation medicine?

A. No, nothing whatsoever.

Q. Did Professor Rose have anything to do with high-altitude experiments, with sub-freezing problems, the sea water experiments, or any problems connected with drifting on the sea?

A. No, Rose limited himself strictly to the purely hygienic questions of his field of work. He was exemplary in the respect that he did not intervene in any other fields.

Q. Did it ever come to your knowledge, Professor, that Professor Rose

participated in research on hepatitis epidemics?

A. No, he was not used in that respect by us. I have never heard that he worked on that.

Q. Did Professor Rose already in 1943 transfer his department at the Robert Koch Institute, that is, his department for tropical science — was this before you became medical inspector — did he transfer his personnel and his equipment there to the Luftwaffe and did he convert it into a unit of the Luftwaffe; namely, the department for typhus therapy of the Luftwaffe at Ramerode?

A. You mean malaria?

Q. Yes, I mean malaria.

A. Yes, you can call it that probably, because this department for malaria therapy was, as far as I know of these happenings and that was before my time — they were organized with personnel and equipment from the department of the Robert Koch Institute and already at that time it was very difficult to obtain personnel, and thus Rose at that time furnished his personnel and his equipment for this task.

Q. Was this not an unusual procedure, namely, the conversion of such a purely civilian research agency into a military unit?

A. Of course, in peacetime this would have been impossible, but since there was such a shortage of personnel every measure was taken which could be carried out at all. That had to be done in order to help oneself.

Q. Then, another question. In the time when you were chief of the medical service of the Luftwaffe, did Professor Rose still stay at Berlin, or did he not rather have his permanent residence, aside from official trips at the department for science and research of the Military Academy of the Luftwaffe; that is, at Sanlow, and later on at Bad Harzburg?

A. Yes, Rose was constantly with that agency.

Q. Do you consider it possible, Professor, that Professor Rose still had the possibility to carry out his civilian functions as vice-president in the Robert Koch Institute after he had completely removed his own department from the Robert Koch Institute and had transferred it to Thuringia

and after he himself did not have his military station at Berlin?

A. No, I believe that this activity came to a complete standstill.

DR. FRITZ: Thank you, I do not have any further questions.

EXAMINATION

BY DR. SAUTER: (Counsel for defendant Ruff)

Q. Witness, from 1943 on you were a medical inspector of the Luftwaffe.

A. From the 1st of January, 1944 on.

Q. As a result of this you also came to the acquaintance of the defendant Dr. Ruff?

A. Yes, I knew him.

Q. Can you tell us what was the title of the institute whose head was the defendant Dr. Ruff?

A. It was called the German experimental station for aviation research and that was the medical department of the German experimental station for aviation research.

Q. You will hear in a minute why I want to know the exact title.

A. Well, I cannot remember the exact title anymore. In any case it was the medical department there.

Q. Well, can I inform you of the exact title? Aviation medical institute of the German experimental station for aviation.

A. Well, if you tell me that now I assume that it is correct.

Q. Yes, you can be quite certain it is correct. Then there was yet another institute which existed in the field of the Luftwaffe. It had a quite similar title. That was the institute of Professor Strughold that you have already mentioned quite a few times today.

A That was the Aviation Medical Research Institute.

Q That is correct, Aviation Medical Research Institute of the Reich Ministry of Aviation, the RLM. Witness, I placed emphasis upon this clarification because of a document which I am going to hand to you. It is located in Prosecution's Document Book 5, on page 12, Document No. 177. It is a document with which you have already occupied yourself with during the previous days. This document, No. 177, is a record of the meeting about making sea-water drinkable. Witness, could you perhaps at this time, answer me another question: Did the Institute of Dr. Ruff have anything at all to do with this problem, that is, with the problem of making sea-water drinkable?

A No.

Q Nothing whatsoever?

A Nothing whatsoever.

Q Now, please take a look at that record. On page 12, you first of all find a list of persons who participated in the meetings; and, under No. 1e, and we are not interested in the other numbers here, it is stated: "Underarzt Dr. Schaefer's Medical Research Institute for Aviation." What kind of an institute was that; was it the institute headed by Dr. Ruff or was it the institute of Professor Struckholdt?

A That was the institute of Professor Struckholdt.

Q He was, that is, a referent of the institute of Dr. Ruff, and did not participate in the meetings. And, now, please let us go on a few more pages and take a look at the end of this document. On page 15 of Document Book No. 5, at the end of the distribution, it is stated in this document -

A (Interposing) Yes.

Q And, under that distribution it states, information copy, that is to say, certain agencies were to be informed, and here now is the third agency: You will find the Institute for Aviation Medicine, the FVL, Berlin-Adlershof; according to its title, this would be the institute of Dr. Ruff. Is that correct?

A Yes.

Q I am now asking you, Witness, you remember perhaps that in dealing with these sea-water experiments, the Prosecution has referred to the strange notices with regard to the distribution; that is to say, there still had to be a certain connection with the Ruff Institute to these sea-water experiments. Dr. Ruff will confirm in the course of his examination that this document had never been presented to him at an earlier period of time. Now, Doctor, how do you explain the fact that the Institute of Dr. Ruff is listed here at the end of the distribution, although no referent from his institute participated in the meetings and his institute did not have anything whatsoever to do with these experiments?

A I cannot quite understand the claim by the Prosecution if I read through the list of the distribution here correctly. However, since I know the agency I must make the following statement: This report was not worked on by a medical agency, it was handled by a technical agency. It was recorded and worked on there, and it was presented there, and if I see now who received the information copy of it, then I could not help but gain the impression that this was done according to certain schemes - because the technicians here, at least, or the technical agencies with which they were usually in contact because not only the Institute for Aviation Medicine does not play any part here at all but just is interested as the testing station directly in the medical experimentation, and its Experimentation Department at Juesterbog which has also been listed here. These three agencies which I have just mentioned do not have anything whatsoever to do with the matter and it could have been only listed here by people who worked on this matter, and who were not acquainted with the connections at all.

Q Witness, if you will take another look at the distribution, which would perhaps give rise to the assumption that, in the distribution, the Institute for Aviation Medicine, that is, the Institute of Dr. Ruff, was

included for the reason that it was mistaken for the Institute of Professor Struckholdt, which has a similar name?

A Yes, this probability exists because the institute which was interested in this question has not been listed; that is, this possibility has to be considered, that a mistake was made here. The correct institute has not been listed in the distribution.

Q Although, under Article 14, a representative from that institute, that is, the Institute of Professor Struckholdt has been named as attending?

A (Interposing) Yes, and by all this institute was the one which had done part of the work, and that is why the referent Dr. Schaefer attended.

Q Witness, I still have another question. In the course of the trial, in an earlier period of time, you knew the defendant Dr. Ruff had carried out experiments with a low pressure chamber in 1942 — the purpose of these experiments is, as you know, to rescue aircraft, to rescue aircraft personnel from high altitudes. In 1942, you were not the Medical Inspector?

A No.

Q And, therefore, you are not responsible for the experiments which were carried out at that time; therefore, I am the more interested to hear from you if such high altitude experiments with the low pressure chamber were absolutely necessary for our Luftwaffe in the year 1942 or were these experiments superfluous?

A These experiments were very important, and I am speaking of this from my experience as Fleet Medical Officer, where these questions were discussed rather frequently, and that no fighter planes were flying at altitudes with which the ones we have been used to. I can remember quite a few discussions about this question of our flight engineers , and with regard to how the technicians would solve their experiences, and I can remember I used these experiences rather frequently. The technique is one that placed new problems upon us. At that time, I knew just as little as our flight engineer when these experiments were carried out, but these experiments were necessary as we were interested in them and we considered them necessary.

Q Witness, can you tell us anything about the personality of Dr. Ruff in his capacity as a scientist. Now, that Dr. Ruff was subordinated in some respects to your Medical Inspectorate, and I am particularly interested in the question: Is it correct that Dr. Ruff, at that time, was generally known as a scientist who was conscientious and particularly careful in carrying out his experiments, and who furthermore had the reputation that he carried out almost all experiments on himself. Can you tell us anything about that?

A. Yes. At this time I would like very much to give a judgment of Ruff; and I can probably give it with the necessary objectivity because I have known Ruff since 1936, or it may have been since 1937. When I at the time was chief of the staff of the inspectorate, Ruff then drew my particular attention because he was not only a physician but he was also captain of a flight, and flying captain in Germany meant a high achievement in aviation. It was not a name which everybody could have who had ever passed his flight training, but it was a title which was given as a result of special achievements in aviation.

For us, this was a very favorable matter. Ruff was the only physician at our disposal who was flight captain. We had a large number of other medical officers who were aircraft pilots. But we had only Ruff with this great aviation experience. This fact shows more than words that somebody who is so experienced in aviation and who has achieved so much there is naturally the person to carry out these experiments on himself because he fulfils the technical prerequisites for it. This we also knew; and also on the part of my agency they always referred to the fact that medical experiments which required special aviation experience could only be carried out with Ruff and by Ruff. He did not hesitate to carry out these experiments at all times.

Furthermore, Ruff at that time was a relatively young physician. However, he had an outstanding aviation physiological medical basis; and during his very young years he had understood it in this big institute for aviation research where probably our best and most experienced experts of aviation technique were working together to obtain an absolutely authoritative position for their own sectors. For us, Ruff with his work was the counterbalance to the Aviation Medical Research Institute, the institute which on the basis of its laboratory organization was able to carry out this kind of work and which usually established prerequisites for Ruff's work; and this could now be completed by Ruff and his practical work.

Ruff was a man who basically carried out experiments on himself only; and only when he believed that he had obtained enough security did he then include his closer collaborators into his experimental circle. It is also characteristic of the work done by the institute that there were very few transfers of assistants. Once a person had become an assistant with Ruff, then he did not want to leave there anymore. It was a research community based on such loyalty and comradeship that men were inseparably connected with their research and their chief.

DR. SAUTER: May it please the Tribunal, I do not have any further questions to the witness.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DAVID [illegible]: (Counsel for Professor Holtz): May I be permitted to put a few questions to the witness, Professor Schroeder? You were discussing previously with Dr. Seutter the Kaiser Wilhelm Institute of Biochemistry and you were answering a few questions. The Director of that Institute was Dr. Ruff. My question is, Do you know the Kaiser Wilhelm Medical Institute of Heidelberg that was directed by Professor Holtz? Do you know its research activity?

A. No.

Q. Do you know that it was comparable to the Institute in Berlin-Dahlem or was it different? Tell us more.

A. Yes. There was very much difference. The Institute in Heidelberg was devoted to fundamentalistic ends, therefore, in the research work it was not devoted to the needs of criminal-ics. The Institute in Berlin-Dahlem is certainly not, I want to say that the Institute, according to the Heidelberg Institute of the Kaiser Wilhelm [illegible] I mean the research work in the Institute in Berlin-Dahlem, research work which was carried on in a [illegible] way.

Q. As I understand, you were not the scientific head of the Kaiser Wilhelm Institute. I would like to put a question to you and I ask you can answer on behalf of research activity of the Institute. Did the Institute work in the [illegible] or not?

A. The Institute of which I was a member is Kaiser Wilhelm Institute for Anthropology, Human Genetics and Eugenics. That is, I do not know the work but I know the aims of the Institute. Institutes in the Kaiser Wilhelm Society had work of a [illegible] which [illegible] the Institute. This was in the

physical work which originated at that Institute.

Q. So, one could say that the activity of Professor Volta was important and, from your point of view, would it be saying too much that Professor Volta, in a certain sense, was the discoverer of the nuclear problem and I must tell you that I arrived at that conclusion. Professor Volta was attached to the Physical-Medical Institute of the Observer and he was near the original [illegible] observed the catastrophes that resulted from the [illegible] in the alcohol which were produced in the lab. It was of very important to be so fine and [illegible] to construct [illegible]. I should like to ask, in this result of [illegible] view, one of the first in the field?

A. Yes, I have to construct, [illegible] the [illegible] of the various [illegible], and [illegible], again that time I did [illegible] concentration about it or I [illegible], no result?

experiments [illegible] within Air Fl[illegible] No. 3 - the Fleet which covered the French part of the coast. [illegible] that territory Air Fl[illegible] No. 3 to which Malta belonged at that time [illegible] coast from Holland up to Spain. Consequently, I had sufficient [illegible] to become in touch with those questions and I remember [illegible] discussions in my agency. I was told that the first discussions on the synthetical treatment of mold damages were begun by the Institute [illegible] Malta, I think in 1942.

Q. Do you know what [illegible] brought sponsored and took over this discussion of [illegible] and used it for their own purposes. In order to make this question more clearly: Do you know that a certain notice was distributed, the subject of which was this statement of Malta and therapeutical methods to be employed?

A. I cannot say that. I think [illegible] issued by the Army on such [illegible] distribution, but I [illegible] more definitely.

Q. I remember [illegible] probably [illegible] connection. Now, you say this [illegible], that is, [illegible] research work which he tried to clarify [illegible] with [illegible]? Do you know how they carried out experiments [illegible]?

A. [illegible] this. [illegible] experiments on little animals, [illegible] physiology.

Q. Do you [illegible] research [illegible] in the field of [illegible], was never actually carried out? Do you know at that? Do you know anything about it?

A. I remember that since [illegible] report [illegible] published [illegible].

Q. [illegible] since it was [illegible] our [illegible] X-ray [illegible]

A. [illegible]

Q. I do not doubt that he is an x-ray specialist [illegible] scientific works. Do you know [illegible] the leader of the x-ray congress in Munich in 1936?

A. [illegible] the leading x-ray specialists. The congress of 1936 in Munich is very much in my memory [illegible]. I was present there myself and I believe that was the very first opportunity where I started to get in closer contact with [illegible].

Q. I have no further questions.

EXAMINATION BY DR. STEINBAUER (Counsel for the defendant Beiglboeck)

Q. Witness, you were speaking about the consulting physicians. My question is - is the consulting physician [illegible] departmental physician in a hospital?

A. Do you mean consulting physicians?

Q. Yes.

A. Yes, he is.

Q. The indictment states [illegible]. [illegible] was a consulting physician of the Air Force. Is that correct, or is it not?

A. No. To my knowledge [illegible] was never appointed as the [illegible] consulting physician of the Air Force [illegible].

Q. According to your knowledge, did Dr. Beiglboeck ever attend meetin of the consulting physicians?

A. No, I cannot say that. I was only present in 1944 during that meeting and I know that he did not attend them. I would not assume that he took part in the other meetings since merely because of special consideration only consulting physicians were assigned.

Q. Was Dr. Beiglboeck ever invited to participate in any of the discussions about sea water experiments?

A. No.

Q. Did he receive any decision about the experiments whether they were to be carried through and how they were to be planned?

A. The arrangement and design of the experiment was communicated to him as it was established by Eppinger, Becker-Freyseng.

Q. Was it provided that the execution of the experiments was to be controlled in Dachau by Eppinger and others?

A. As far as I remember, even Eppinger himself initiated the idea in order to inform himself about the development of the experiments.

Q. Was the name Dr. Beiglboeck already mentioned in Himmler's letter; that is, before Beiglboeck knew about his being assigned for that purpose?

A. Yes, that is to be assumed. It is to be assumed that Beiglboeck, when the letter was sent off, did not know anything about the assignment, for his name had been mentioned by his chief, Eppinger, on the basis of his education and training with the Eppinger Clinic. He was the man who was particularly capable for that purpose and he was, therefore, suggested by Eppinger, and it is quite possible that when he was mentioned in the letter he had no knowledge about it.

Q. Is it correct that Grawitz assured you of the voluntary nature of the subjects?

A. Yes.

Q. Was Dr. Beiglboeck informed by you in the same sense?

A. Yes.

Q. Did the SS approach you when selecting the physicians who were t-

participate in the experiments, and were you told to consider political points of view?

A. No.

Q. Was any supervision carried out by the Gestapo in that direction?

A. No.

Q. Was Dr. Beiglboeck informed to the effect that the experiments were to be carried out in the Air Force Hospital at Braunschweig?

A. Yes.

Q. Was Dr. Beiglboeck at that time in Braunschweig himself?

A. No. At that time he was not in the hospital of Braunschweig any longer.

Q. What position did he hold while he was working at Braunschweig?

A. At that time he was attached to the Internal Department.

Q. Was he in a leading position or was he in a subordinate position?

A. He was not in a leading position.

DR. STEINBAUER: Thank you.

CROSS EXAMINATION

BY DR. PELCKMANN:

Q. Pelckmann, counsel for the defendant Schaefer. Witness, you were saying that you saw Schaefer for the first time when he presented his course through which to make sea water potable.

A. Yes.

Q. How often did you see him altogether?

A. Perhaps two or three times.

DR. PELCKMANN: Thank you.

EXAMINATION

BY THE PRESIDENT:

Q. Witness, you testified this morning concerning recommendations which you might make for a promotion of certain of your staff. Through what channels and to whom would such a recommendation go if you made one?

A. Promotions of officers were dealt with according to the rank of the officer either by the Commander in Chief of the Air Force - that was th

once from any general's rank up - or they were dealt with by the Fuehrer of the German Reich. Proposals and suggestions for that purpose had to include the reason given by the competent chief; that is to say, I made these suggestions and they were then sent to the personnel office of the Air Force, where all the suggestions came in from various fields and from there, in turn, they were prepared for presentation to the Commander in Chief or the chief of the government.

Q. Your recommendation then for promotion of one of your subordinates would after being processed by the Personnel Division go directly to the Commander in Chief of the Luftwaffe, is that correct?

A. Yes.

Q. You testified yesterday that you heard that human experiments had been performed on human beings in concentration camps. When and where did you hear that, and from whom?

A. I heard that when preparing the sea water experiments when difficulties occurred in the institutes belonging to the Luftwaffe to start these experiments as it was originally intended.

Q. When was that, witness?

A. May, 1944.

Q. And where was that, did you say?

A. That was in my agency.

Q. And who told you?

A. Becker-Freyseng.

Q. And what did he tell you about these experiments?

A. He told me that my predecessor - I cannot remember the word - approached the SS in the case of experiments which had become necessary and subsequently was informed by Holzlohner that experiments were being performed at the camp at Dachau.

Q. Were you then informed upon what persons these experiments were being performed?

A. No. I assume that Becker-Freyseng did not know any of those details.

EXAMINATION

BY JUDGE SPRING:

Q. Witness, you made the answer a little while ago in answer to the question, "Do you know that Dr. Weltz carried out his experiments only with animals?", you answered, "Yes." Is that correct?

A. Yes.

Q. How do you know that?

A. Approximately at the time when I entered my office, and that was January 1944, I visited Professor Weltz in Munich who at that time was ill. I did that because I had to make a visit in Munich for other reasons anyway. The reason for my visit was only an ordinary visit to an ill colleague. During that opportunity Weltz was speaking about the work which his institute had performed during the last years, that is, during the time when I was absent from the Central Office. At that time he outlined his working program in a few words up to that period of time and emphasized that he was still continuing with the old line, namely, to continue basic research work and to further it wherever it was possible by experiments on animals. During that talk, which in itself was very short because Mr. Weltz had just come through a severe attack of scarlet fever, he told me these facts in a few words or sentences, and that is how I know something about it.

Q. What gave rise to the discussions; was there some controversy existing in German medical circles at that time concerning the question of whether or not there might be something ethically wrong with experimenting upon human beings?

A. This discussion didn't take place from that point of view; it was merely an information about the work performed in his institute.

Q. I understand, but you made some statement to the effect that Dr. Wolfe said that he was sticking to the old method of experimentation and intended to further that line of experimentation, that is to say, with animals wherever he had an opportunity to do so. Now, I ask you this: Was there some question in German medical circles at the time about the propriety of experimentation with human subjects; or, was there some controversy at the time in medical circles about these matters?

A. With regard to the admissibility or necessity, or such questions regarding human experiments, no mention was made as to that on that occasion. I had just come back from the front and was not at all acquainted with these lines of thought. I only started thinking on that line here in Nurnberg. I can even say, with erteinty, that a discussion with reference to experiments on human beings didn't take place at all. I may bring the word "method" which you just mentioned into the right connection, that is, how it was used at that time; that is to say, his old method of basical research work that time he explained to me that the manner of work as it was carried on in his institute will still continue to be in line with basical research, and he wanted me, as his new chief, to give my confirmation with regard to the method and line that his institute was taking so he could maintain such work.

Q. At about the period when it was contemplated that your experiments would be conducted upon concentration camp inmates, did you know then what type or class of concentration camp inmates were being held at Dachau?

A. No.

Q. Do you know what type of such inmates were being held there at any time during the period of the war?

A. I knew only about one; these were people who had been expelled from the Wehrmacht. In our regulations we received the necessary orders to that effect; that is to say, people who were repeatedly subject to punishment and who did not maintain the disciplinary orders of the troops and even endangered it. I remember this fact exactly because at one time in my capacity as Fleet Physician, I read through all the orders to that effect. Since I held a rank at that time — since I had an officer working with me at that time whom I had to warn because of his bad behavior that he may be sent to the police and then be sent to a concentration camp.

Q. Can you state by what process or writ such a man in the Luftwaffe would be placed in the concentration camp; would it be upon an order, by the commanding officer; or upon your order, upon a decree entered as a result of the court-martial; or a directive; just how did the man get in there?

A. It was a prerequisite that this man had to have received repeated punishments; furthermore it was a prerequisite that the competent superior had to be convinced that this man by further punishment could not be corrected. Then, and this is something I personally experienced at one time, the competent disciplinary superior had to give this man a warning in writing in which he told him that he had received a certain number of previous punishments; that

his behavior and demeanor with the company was so bad that he was not worthy of continuing to be a soldier, and that at the next opportunity he became subject to punishment he would be sent to the police in order to be transferred to a concentration camp. This had to be brought to that man and he had to sign it, that he [illegible] of this regulation. If such a case re-occurred, his disciplinary superior had to demand the transfer of this man to a camp giving a detailed reason. This letter had to be sent to the police, as it read in the regulations. The [illegible] transfer [illegible] [illegible] disciplinary [illegible] of [illegible] outstanding [illegible], [illegible] to confirm the [illegible] only then could be approved the transfer. That is how it was.

Q. Doctor, how many human subjects did you calculate or estimate would be necessary to fulfill and successfully carry out your experiments?

A. Did you say human beings -- did you say human experiments?

Q. I am talking about the experiments which you [illegible] and carrying out, the [illegible] experiments; and what [illegible] do you [illegible] of a result of this kind of thing.

A. The [illegible].

Q. How many human subjects did you calculate you thought would be necessary to successfully [illegible] and conclude [illegible]?

A. According to the [illegible] forty.

Q. You estimated that you would need forty subjects, about forty subjects.

A. Yes.

Q. Doctor, [illegible] in the [illegible] prison camp?

Q. That I don't know.

Q. Do you know of other times and cases?

A. No.

Q. How do you know that?

A. I heard that on the basis of such transfers as they were supposed.

Q. You heard it from whom?

A. During my activity in the Physician, this was one of my [illegible] whenever any such cases were the subject of discussion. Fortunately such things didn't occur frequently, but now [illegible] there were some such events and such transfers had [illegible] carried out. During conversations [illegible] Chief Justice, who was the chief of justice within the Plant, such questions were [illegible] discussed. I once [illegible] Judge Rehnquist [illegible] development of this [illegible] was [illegible] and to tell [illegible] for [illegible] around there [illegible] found out [illegible] to [illegible], and this is how I [illegible] for this [illegible].

Q. But [illegible] you are obliged to [illegible] from the [illegible] and then to [illegible] very rarely; is that true?

A. Yes.

Q. [illegible] actually carried through [illegible]?

A. That I don't know. I cannot tell you this under oath, but [illegible] for [illegible]. I can only tell you that from the [illegible] of my activity in the Plant Physician [illegible] I discussed these things with the chief justice. At that [illegible] period of time [illegible], I think two dozen people [illegible], but I in the [illegible] concerned [illegible] questions from the [illegible], but the [illegible] resolution was applicable to the army and the navy; that is to say, to so

[illegible] what reply those w re handling in the [illegible] manner every [illegible], so that [illegible] probably had to transfer many more [illegible] than the people that [illegible] from our sphere.

[illegible]. But aside from that of the [illegible] re [illegible] to [illegible] from the [illegible], the [illegible] and the [illegible], [illegible] no idea that [illegible] our type of pressure [illegible] Dobbs?

A. No, I can say that very honestly here under oath, namely, that I didn't know that any other non-German people were there. I heard that people from civil justice was sent there who made themselves subject to punishment.

Q. But at that time you had an idea of the number of inmates at Dachau either as German political or criminal prisoners or as men who had been sent there for delinquencies in the Wehrmacht or non-German nationals?

A. No, I heard nothing at all about non-German people. I considered them all to be German prisoners.

Q. Did you have any idea at the time of the size of the Dachau Concentration Camp or of the facilities there for housing the prisoners?

A. No, I saw Dachau for the first time when I was sent there myself as a prisoner.

Q. Can you tell the Tribunal after these self-medical experiments were approved who actually requisitioned the persons who were to become the human subjects of the experiment?

A. No. The request went to the Chief of the German Police through my letter to the Reichs Minister of Interior. How this was done in the inter-office communication of the Reichs Minister of the Interior, I don't know, because this was another Reichs agency who, in their own competency, had to settle this question.

Q. Do you know when the Dachau camp was first established as a camp for prisoners, oh, either German political or criminal prisoners or non-German prisoners of any kind?

A. I cannot say when it was first instituted for the very first time. I personally knew of it as a camp in the year of 1937 or 1938 when the case of Pastor Niemoller came up. At that time I heard from circles who were acquainted with Pastor Niemoller that he, after the proceedings against him, was sent to the camp at Dachau. At that opportunity I for the first time consciously heard the name of Dachau.

Q. Well, did you gain any impression at that time about what kind of camp it was? What it's purpose was?

A. No.

Q. I believe that you made a statement to the effect that the arrangement and design of the experiment in which the defendant Sulzbrock was to take part was communicated to him; is that correct?

A. Yes.

Q. By whom was it communicated?

A. Sulzbrock at that time was ordered to Berlin to come to my agency. Then he went at first to Becker-Freyseng who instructed him shortly and perhaps already told him some details. Then he came to me together with Becker-Freyseng and reported. I greeted him and I told him that we had considered him as the leading person in charge of this experiment since his earlier during his civil activities, Prof. Rudinger, had suggested him because of his pre-education, experience and personality and that he was thereby especially capable to conduct and lead this series of experiments.

Q. In your letter, witness, to the Minister of the Interior concerning these experiments, what did you say to him?

A. After an introductory sentence which was to convey certain connections with your resistance became further on where I said something

like this: "You, Reichs Minister, at former occasions gave opportunity to the Luftwaffe to carry out experiments which were urgent and again I am before a decision which demands of me to request you to make it possible for me to carry on an experiment at a camp." End quote. Something like that. And then a discussion followed what was intended by us, where the purpose of the experiment lay and, furthermore, that we ourselves in a small frame had performed these experiments on our own personnel and that we were now looking for some results by trying a large number of experimental subjects and we wanted to decide which one of the two methods would be the most expedient for the needs.

Q. You said that in your letter to the Minister of the Interior you made some reference to former occasions upon which experiments had been conducted. Did you mean by that phrase? What were the former occasions?

A. This was the result of the cold experiments of which we had been informed; cold experiments that were conducted by Holzlöhner.

Q. Do you know, witness, or when did you find out that there were concentration camps in Germany in which non-German nationals were kept or restrained?

A. I only learned that during my imprisonment after the collapse. I only heard rumors; up until the time of the collapse I knew of two concentration camps. As was of preliminary. Every one resident in Berlin knew that. Long was nothing. The second one as I already mentioned, was Ravensbrück. However, with regard to — of what happened in Germany beyond that, I only learned after the collapse. I believe that this can be made a little more credible to you following — it seems almost like a fairy tale if someone approaches like that today. Up until September 1943 I wasn't in Germany at all and when afterwards I was sent to Berlin as a Medical Chief I had no opportunity at all to receive any insight into these affairs.

Q I would assume that the German military system, as most others do, have two places of confinement for soldiers who have offended against the law. One is called generally a disciplinary barracks for less serious offenses and another is the penitentiary or prison for more serious offenders. If a soldier committed an offense and was convicted of the offense which called for a sentence of death, where would he be sent for confinement until the sentence of death could be executed?

A There were two-fold. [illegible] prisons in which there were only prisoners or all of the [illegible] disciplinary barracks. I remember one such was in the [illegible] prison at Berwerch-in. I think there was another prison but I don't know its name. I don't remember its name. As we learned from the [illegible] such prisoners were selected for labor and sent to the [illegible] in order to work there in armament work for the war effort [illegible] one thing, Mr. President, in the [illegible] two forms of punishment. One was the so-called disciplinary punishment which was not in the hands of the Army but in the hands of the officers [illegible], who was authorized to do that. For instance, there was the disciplinary authority of the company commander or the regimental commander, division or corps commander. These authorities imposed punishment also punishment which [illegible] of their liberty up to four weeks arrest. This was invoked [illegible] but was still arrest. These authorities of disciplinary punishment to be

protect every little detail being dealt with by courts. Punishment by court only started in the case of a certain severe act and which could only be judged by judges. That is something that you have to differentiate in the Wehrmacht Penal Regulations -- the disciplinary and the juridical punishment.

Q. I understand that very well. That was what I mentioned in my question, but would a German member of the Armed Forces who had committed murder or some crime for which he was sentenced to death -- would he be sent to a prison or simply to a concentration camp? Would he have to work in a concentration camp or be under sentence of death for murder?

A. Mr. President, you are asking me too much. I don't know those smaller details. I probably will not be able to say how these orders were executed.

Q. Witness, you overemphasize at some length the character and official channels through which you had to go in order to get your petition concerning the conditions in concentration camps and prisons for the interrogatories. Now, then, in accordance with the usual procedure, did you consider that the regular official channels and official procedure was the best procedure?

A. Sorry, Mr. President, I didn't quite understand the question. I understand the first part. Would you repeat the question, please?

Q. In proceeding in the manner in which you have your interrogatories approved, do you consider that you were using official channels and followed official military procedure, or did you circumvent official channels and military procedure at the risk of being severely punished by execution?

A. I don't know exactly -- quite understood what you were saying. Will you please repeat the question?

Q. Are the regulation channels and

[illegible] A. Yes.

Q. You have told the Tribunal that you did use the official military channels. Now, which you regard in your [illegible]

[illegible] experiments approved, and men, prisoners in the concentration camp, made available to you for the experiments. Is that true?

A. Yes.

Q. Now then, in following the procedure that you followed, was that in accordance with military procedure for getting such matters approved?

A. A military procedure did not exist for that purpose. I had to see how I could safeguard the operation of the experiments in the most expedient manner and under the consideration of all prerequisites which are necessary for the health and other questions.

Q. The reason I asked the question is this: Let us assume that the proof shows that other experiments in the field of medical research were carried out for the purpose of determining important medical problems that existed during the war. Would the general procedure that you followed in getting some scientific experiments approved and material made available for experiments — would that be the ordinary procedure that would be followed by some of many other gentlemen who are fields of medical research in the government — in the Armed Forces or in civilian? Do you have any idea?

A. I [illegible] so. I can't [illegible] that possibility.

Q. In other words, it [illegible] within the [illegible] of [illegible] approach would be it would be possible in the [illegible] of [illegible] to determine a [illegible] in [illegible] would be [illegible] in certain matters, [illegible] short [illegible] the material [illegible] purpose of [illegible] to determine where these [illegible] would come from, [illegible] how they would be [illegible] from the [illegible] of the laboratory [illegible] to determine [illegible] which [illegible] should be [illegible] research [illegible] changes in [illegible] over [illegible], wouldn't it?

A. Well, yes, [illegible]

Q. Yes. Could you [illegible] the [illegible] of the laboratory [illegible] official [illegible] by which [illegible] would be [illegible] other [illegible]? There would be [illegible] to it, wouldn't it, [illegible]?

A. [illegible], I believe that it [illegible] very simply.

Q. Well, [illegible] problem?

A. The situation itself [illegible] of such a problem.

Q. [illegible] naturally [illegible] high [illegible] experiment [illegible] of [illegible] special research, that special [illegible] would be [illegible] by [illegible] that it [illegible] research [illegible], wouldn't it?

A. Yes.

Q. Then the [illegible] that [illegible] special research [illegible] by [illegible], wouldn't it?

Part I

A. Yes.

Q. Then wouldn't there not arise the question of financing or using the [illegible] for the research and in this particular case [illegible] government, and you would have to know ahead of time whether or not they could make funds available; isn't that correct?

A. Yes.

Q. Then it would have to be determined that certain individuals in a concentration camp would be [illegible]?

A. Yes.

Q. Then it would have to be done within the framework of the [illegible] within a concentration camp [illegible], wouldn't it?

A. Yes. It wouldn't be [illegible].

Q. Then [illegible] of the [illegible] of the [illegible] to select certain individuals [illegible] would have to be [illegible], wouldn't that?

A. Yes, that would come within the sphere of the [illegible] of the [illegible].

Q. Yes. Now let us assume that a certain concentration camp inmate was [illegible] in a [illegible] .....

responsible for transporting these concentration camp inmates from Buchenwald to Dachau, wouldn't that?

A Yes, that would be an inter-office affair of the Minister of the Interior.

Q And someone would have to supply the motor trucks or the railroad cars and furnish the fuel for implementing the railroad cars or motor vehicles to get the people over there. Isn't that the procedure through which it would follow?

A Yes.

Q In other words, a problem or task of this kind could not possibly occur without the whole matter passing through channels and virtually everyone who came in contact with the experiment officially from top to bottom would have a knowledge of it. Isn't that true? Either the person himself have knowledge of it or his agency or department? Wouldn't that necessarily follow because all of these matters would be detailed in official reports or requests, would it not?

A Well, but that would have been an inter-office arrangement within the sphere of the central agency which was responsible for the camp, that is, the Chief of the German Police, for instance.

Q I understand that but there would have to be, in the German Army as well as in any other Army, records kept and details approved and all of that sort of thing, in detailed order. Is that not true?

A Yes. If I say explain it, giving myself as an example. At that time I sent the letter say, at first, I sent it only away after I had consulted the possibility of the experiment with Himmler. And after I had informed his Excellency the whole thing, and I got his assent that he could pass this information to Himmler in case it became necessary. Then this letter was sent off and after about by four weeks when Sachsenhausen had opened at Dachau —in the meantime he was given an opportunity to carry out his work. Whatever lay in between — that, now in the administrative — this was examples, we never learned what as I just said, it was an inter-office affair of this authority. We only saw the initial point and

the end point of this route.

MR. PRESIDENT: As the Tribunal desires to propound some more questions to the witness, the witness in this case will be put under the rule and not permitted to consult with other defendants or with his counsel during the short recess. That rule will be followed only when it is directly requested by the Tribunal and it is requested in this case. The Tribunal will be recessed until a quarter before two o'clock.

(A recess was taken)

AFTERNOON SESSION

(The Tribunal reconvened at 1345 hours, 26 February 1947.)

OSKAR SCHRODER - Resumed

THE PRESIDENT: The Tribunal has no further questions to propound to the witness. Does defense counsel have any further question of the witness?

DIRECT EXAMINATION (Continued)

BY DR. MARX:

Q Witness, in the course of the examination by the Honorable Judges you made a statement as to the unfitness of persons to serve in the Armed Forces. Do you have enough knowledge of the subject in order to give your opinion on that subject?

A I did not understand your question correctly.

Q I am asking you if you had enough knowledge of the subject in order to be able to answer such a question about the unfitness of persons to serve in the military forces.

A The unfitness of such persons to serve in the Armed Forces?

Q Yes, under what prerequisite was a member of the Armed Forced declared as unfit to serve?

A That was a decision which had to be made by a courtror a judge.

Q Therefore, a verdict had to be given by a military court or court-martial?

A Yes. However, this was need on evidence which had been presented by the superior officers.

Q Yes, but a member of the Armed Forces could not be declared as unfit to serve unless a verdict had been given by a court-martial.

A Yes, that is correct. And in order to do this the disciplinary superior officer had his judge who advised him on these matters, yes.

Q And a further prerequisite was that he had been sentenced to a term in jail or some other dishonorable punishment?

A Yes.

Q Like, for example, death punishment for desertion or because of

rape, robbery or similar crimes?

A Yes.

DR. MARX: I do not have any further questions.

THE PRESIDENT: With no further examination by defense counsel the prosecution may proceed.

DR. MARX: May it please the Tribunal, I request the permission of the Tribunal to now call as my first witness, the witness Jantsch because this witness has to leave this afternoon on a trip to England. The prosecution has no objection for my calling the witness at this time.

THE PRESIDENT: The marshal will summon the witness Jantsch and the witness Schroeder is temporarily excused from the stand and will resume his place in the dock.

(The witness was excused temporarily.)

THE PRESIDENT: I would advise counsel that during the noon recess I made some inquiry concerning the witness Grodl and was informed that every effort is being made to procure the attendance of that witness at the earliest possible date.

WERNER JANTSCH, a witness, took the stand and testified as follows:

BY JUDGE SEARING:

Q Please raise your right hand and be sworn, repeating after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. MARX:

Q Witness, will you please give us your first and your family name.

A My name is Werner Jantsch.

Q When and where were you born?

A I was born on the 3rd of April 1913 at Chemnitz.

Q And where is your present residence?

A I am living presently at Cassel.

Q And what is your profession?

A I am a Protestant priest and Licensiat.

Q What activity are you engaged in at present?

A At present I have the office of Director of the YMCA college at Cassel, that is, in German, the Youth Secretary School at Cassel. I am now traveling to England as German Director for War Prisoners' Aid.

Q What kind of an organization is that?

A That is the aid for prisoners of war of the Christian Youth Movement which is sponsored for all German prisoners of war by the International League at Geneva.

Q Witness, will you please tell us in your own words, and give the Tribunal a short sketch of, your life history and also tell the Tribunal about your political attitude.

A I studied theology at Leipzig and Berlin and I passed the state examination at the University of Leipzig. First of all I was a priest for the youth in central and southern Germany and I was Director of the YMCA college at Berlin. At the outbreak of the war I became an army chaplain, I became a chaplain for the Luftwaffe units at Berlin. Actually, the Luftwaffe did not have its own ministers and I was an army chaplain. However, I was used as minister for the Luftwaffe for the civic commander. When Hitler was able to develop his power in the OKH I lost my office in 1943.

I was conscripted as a simple soldier and I was medical soldier with the parachute troops. After the collapse I was used by the Americans and the English in Italy as senior chaplain for entire Italy and as liaison man for the British and the Americans for the German prisoners of war in the Mediterranean area. In this capacity I was responsible for the re-training and denazification of the German prisoners of war in Italy. As result of this, I was given the opportunity to perform cross work which was unable to obtain during the period of the Third Reich. To the contrary, during the regime of the Third Reich I was confronted with many difficulties.

When Pastor Niemoeller was arrested in 1937, I, as a professional teacher of the Lutheran Church, participated in this work and I was also arrested. As a result of my activity on behalf of the PCA I was expelled from Danzig and from 1934 my activities were watched by the Gestapo and I was given a medical report tried by the Gestapo.

Then, in 1943, I had my office in Berlin destroyed to prevent my influence on the Luftwaffe. In the course of my activity, which I had to carry out in the Third Reich, I was only assisted by very few persons. At the time I became acquainted with Captain Schroeder, a man who did not hesitate to help me.

Q. Witness, when and on what occasion did you make the acquaintance of Dr. Schroeder?

A. This was at the very beginning of the outbreak of the war. He was the father of one of my students who was to be called an evil which was to hold the Christian ceremony at the Adolf Sports Field in Berlin, of the Luftwaffe. In addition to the point of view that a Christian celebration or ceremony could only be held in the presence of a minister and with a clear conversion to the teachings of Jesus Christ.

This gave me the possibility for the first time to be heard and to speak before the men of the Third Reich in a larger circle, though restrictions prevailed which were not in force previously.

they were especially kind because the Luftwaffe usually refused any special aid in that respect. It was on that occasion that I made the acquaintance of Professor Schroeder.

Q. Did not this attitude of Professor Schroeder on that occasion involve certain risk connected with [illegible] for him?

A. It was conducted with a risk for him because official spiritual welfare for soldiers of the Luftwaffe had not been planned for in Berlin. Thus, as an officer he gave an example and he maintained an attitude which was contrary to the official attitude of higher officers in the Luftwaffe.

Q. What were your further contacts with Professor Schroeder?

A. On the basis of this [illegible] on behalf of the hospital I requested Professor Schroeder to let us carry out the spiritual welfare in all Luftwaffe hospitals in the vicinity of Berlin. Through a special decree I received the permission to [illegible] every ward and also to have discussions with the wounded medical officers, non-commissioned officers, and soldiers.

The [illegible] was one of my confirmation students and he was one of the best students there. After having been confirmed, he became the director of a small group of boys and girls who, in spite of the prohibition against the Protestant youth, [illegible] once weekly. Professor Schroeder permitted us to hold the meetings of this group in his house.

Then, in the official position which I occupied, he helped us in many forms. For example, he helped us in obtaining legal times and dispensations which I had to assign in with the [illegible] of the Luftwaffe in order to guarantee that I could take care of the spiritual welfare of the Luftwaffe personnel in Berlin. Then, in the present or in recently intervene in the work which I had to do with [illegible] in Berlin. When a number of the medical officer had been released, and when I believed that we were being unjustly sentenced, then I was entitled to report to him directly about the matter.

Q. Witness, you spoke of the time until Professor Schroeder was transferred as Air Fleet physician, that is, when he was at Berlin. Now I come to the time when

[illegible] was Flag Lieutenant Officer with Air Fleet 2. [illegible] in touch with him from that time on?

A. Even during this period I [illegible] contact with him. He also helped me in my work, which was not very [illegible], from Italy. At the time I was the sole liaison man of the Confessional Church to the [illegible] which were kindly disposed towards us at that time in the Government. My spiritual adviser was the Minister von Soldenwegh, who [illegible] in the [illegible].

During the time when Professor [illegible] was in Italy, I tried to [illegible] a main office for spiritual [illegible] of the Luftwaffe. However, all my attempts failed in the beginning. Also General [illegible], who had [illegible] the same discussions with Goering, had [illegible] in this sort, and [illegible] kindly disposed towards us, I taken [illegible] opportunity in order to obtain short discussions the question of spiritual welfare in the Luftwaffe.

The intercession of Professor [illegible], Professor Kloppke, and General von Mann, who were killed by order of Hitler, and the civilian [illegible] of Goering, Minister Bodenschatz, [illegible], tried to formal [illegible] in which it was shown that the [illegible] of the [illegible] of the Luftwaffe, [illegible] of spiritual welfare in the [illegible], [illegible] at the time a board circuit was created [illegible] of the Luftwaffe, and all air district [illegible] officers, in order to discover the real true attitude of soldiers of the Luftwaffe. The result, which never [illegible] in Germany, was that 65 percent of all soldiers desired separate spiritual welfare. [illegible] the attitude of the persons [illegible] individual question, the questionnaire of Professor Schreiber and the [illegible] were the most important. In very short and clear words to the soldiers, [illegible] question, the spiritual welfare for members of the Luftwaffe has this was necessary. At the time the situation had [illegible] such as which took place in Stalingrad, [illegible] Italy and the Balkans, [illegible] soldiers in the Luftwaffe [illegible] their religious [illegible] in the division activity.

This happened during the time when Prof. Schroeder was in Italy, or the filling in and the handling of the questionnaires had been entrusted to me by Prof. Pippke. We were able to address a memorandum to the commander in chief of the Luftwaffe, and the good examples which Prof. Schroeder gave about the prevailing situation assisted me at the time in formulating the memorandum in such a way that the only person who was at all kindly disposed towards the question of Christianity — and that was not a man, but a woman, that was Mrs. Goering, at the time accepted this memorandum in order to present it to her husband. However this resulted in a complete failure, because Goering did not have very much authority any more in 1942 and therefore nothing changed. However, we did achieve success in one point, because several German medical officers of the Luftwaffe who had the courage to stand to the National Socialist regime that Christian spiritual welfare in the Wehrmacht was necessary. It became tolerated after a while, that at the time when officially spiritual welfare on members of the Luftwaffe were prohibited — such spiritual welfare could be given with the individual approval of several officers and that several soldiers now were able to give spiritual welfare as ministers. Of course, they were not military chaplains but they were plain soldiers who had been ministers in civilian life.

That is sufficient for the time being, and while for the time being Prof. Schroeder was in Italy.

Q. From April, 1943, you had been conscripted as a soldier in the medical service of the Luftwaffe. Was your contact to Prof. Schroeder interrupted as a result of this, or did you still have contact with him subsequently?

A. When I lost my office in 1943 I had to be very careful, because was being watched by various sides. For example, I was prohibited from entering the office of the Reichsbischof, and I could only under an assumed name, namely Johann II, have any contact at all with the officers of the Luftwaffe who were kindly disposed towards us, because, thank God, there were German officers who had more respect for Christianity than for the orders by the Gestapo. At that time I again got into contact with Prof.

Schroeder through a remarkable fact. I came to Zossen near Berlin as a simple medical soldier. There I did the usual service and duty performed by the rest of the soldiers there. I was just a simple soldier. One day I received a letter from the Reich Military Court. It was signed by the Military prosecutor, by the Reichs Kriegs Attorney, General Staff Judge Krell. In this letter he requested me to immediately draft a memorandum in a certain matter, and in this case conscientious objectors were concerned who refused to serve for religious reasons. This came about in the following manner: During my activity as military chaplain of Berlin I also cared for the military prisons which were located in Berlin. In these prisons there were confined a large number of so-called Jehovah's Witnesses. They also appeared under the name "Jehovah's Witnesses." Amongst them there were also members of the Mennonites, of the Quakers, and there was one representative of the Protestant Church. At that time, together with my Catholic colleagues, I was the only person entitled to visit these prisons. And because of the large number of prisoners confined there, we were unable to see all of them. However, those for whom I felt a particular sympathy were the Jehovah's Witnesses, because they did not have any rights at all. They were not in justice. While the Catholic priests, on the basis of their agreement with Rome, did not have to serve in the armed forces but could either go into the medical service of the Wehrmacht or they were not conscripted at all, but they, on their part, were not willing to perform any military service. The Protestant objectors for religious reasons, and above all, the group of Jehovah's Witnesses, did not have any advantages whatsoever. On the contrary, they were sentenced to death by Hitler without any consideration whatsoever, although the legal situation was the same as that of my Catholic friends. At the time both my Catholic colleagues and I acted everything in order to help these people. In the Reich Court there were also men who at that time occupied themselves particularly with this case, and if I am not mistaken, in the year 1942, on the occasion of a conception at the President of the Reich Military Court, Admiral Canaris and the Senior Reich Milit-

Court Prosecutor, General Staff Judge Kroll, I received the permission to draft a memorandum which was to be of help to the delinquents and which was to help them change their point of view, if possible. The Reich Military Court was interrupted, thanks to the attitude of Bastian and Kroll, who were kindly disposed towards Christianity, to postpone the execution of the sentences until such time when we ministers had been given an opportunity to give spiritual welfare for the men for a sufficient amount of time. If we had succeeded in changing the attitude of one of the delinquents, then by virtue of the law which was in existence at that time, he was dismissed from confinement and sent to the front. As a result of the fact that we were given the opportunity to work on these people, we were able to save large number of people from their death punishment, and we were able above all to care for the families which had gotten into terrible difficulties as a result of these series of murders. I had just begun with the manuscript that was with its duplicate here and also with the popular version for the delinquents themselves, and also as a religious psychological form for the representatives of the Reich Military Court, when my house, my library, my books were burned as a result of a British air attack. You have into also lost my office. I became a soldier private in the army, who could not take it upon himself any more to contact so high an agency as the Reich Military Court. As I have stated, after the period of one year, that is, at the beginning of 1943, the General Staff Judge Kroll addressed me with the request to once more make an application in matters pertaining to the conscientious objectors. He simply directed this letter to my address and it did not call for any particular attention, because he was the father of one of my former religious students whom I had confirmed. He also requested in the letter to keep the matter secret. Then I got into a very great difficulty, because I was a private first class in the Luftwaffe. First of all, I should have seen my company commander, and then I should have reported the whole matter.

At the time, after a severe struggle with myself, I reached the decision to give all my confidence to a man who was willing to risk something for the sake of Christianity. The man whom I trusted was Oskar Schroeder. At the time, I went to his agency - avoiding regular channels. I succeeded and I told him and his adjutant, Augustinick about the whole matter.

At the time, Professor Schroeder told me he wanted to help me. On very same day I received an official room at Sachsenhausen. It was an officer's room. I was given a furlough for three months in order to draft his manuscript. Then I had the opportunity to work out the important manuscript in peace and quiet. It was a manuscript on whose success the lives of thousands of people depended. Neither Professor Schroeder nor I were conscientious objectors for religious reasons. He was an officer. And I had been a military chaplain for three years. However, we were human beings who respected the viewpoint of the conscientious objectors for religious reasons.

We wanted to help them within the framework of this manuscript. We, on our part, believed we were able to suggest that these conscientious objectors should be used as medical men in the medical service with parachute troops or that they should work with the Organization Todt in defense work. I particularly intervened in these two points for the reason that a large number of the people were prepared to do two things: They refused to handle any weapons, but they were willing to go to the front. Secondly, they did not want to give any religious oaths, but they, on the other part, were willing to enter into an obligation. Hitler would have refused both ways. He actually did. We were unable to help them any more in this way. There was only one further way. That was the postponement of the execution of the sentences.

After the three months passed, I submitted the memorandum to the Reich Military Court. I then came as an enlisted man in the medical service to the parachute unit in Italy. In the summer of 1944, I requested a furlough in order to have this memorandum to the Reich Military Court printed by agreement with the parachute unit at that time was again a medical off-

of the Luftwaffe. It was a friend of General Schroder. His name was Oberstleutnant Fischer. He gave me permission with which he knew what the matter concerned.

Then in the days of 20 July or afterwards, I came to Germany. Gentlemen, you know what was going on in Germany at that time. I then had an attack of malaria and I was unable to move. Three of my friends were hunted by Hitler. I administered welfare to all these families. I was the person who assisted these boys. One was General von Stülpnagel, the City Commander of Berlin. The second was General Von Thiele of the OKW. The third was Oberst Thiele who was working at the same agency.

During this period of time, I also tried to get into contact with Professor Schroder. At that time I was his subordinate. At that time, I was not a minister any more. At the time, he made it possible for me to again get into touch with Thorman and also with Thiele, so that the memorandum could be printed. In the meantime, within the OKW the political situation had progressed to such a point that we were unable to have this memorandum printed without first obtaining official approval.

At the time, a copy was sent, for reference, to the Reich Ministry. It was allowed to discuss the subject. The regular memorandum, on the other hand, was placed at the disposal of the delinquents. There were approximately 50 typewritten pages. In the course of a telephone conversation, I remember exactly, Professor Schroder conferred with the core the family of the City Commander Von. General Hase was hung after the happenings of 20 July. We know that we had the same convictions as he. I was the only person who, at that time, was in the technical position to help him.

My furlough came to an end. I did not have the time any more to take any action. Only now, after my return from Italy have I been able to get in touch with the family. When I travelled to Italy again, Professor Schroder gave me a special recommendation, that was with the Ambassador to the Holy See, Baron von Weizsacker. There also, the case of the conscientious objectors was involved. Baron von Weizsacker was able, as a result of the information which I imparted to him, to intervene in this matter

the Vatican.

I want to emphasize, particularly, that Baron von Ribbentrop and I are both protestants. However, this was a matter which pertained to humanity in general. Confessions were not involved any more, but these matters concerned everybody who was a Christian. As a result of this intervention, it was possible for me to indirectly inform the Vatican. And at the time, Professor Schweder, gave me the opportunity to do this. This was in the period while I was in Italy.

Q What general picture can you give of the personality and the character of Professor Schweder?

A May it please the Tribunal, the usual place from which I speak is the pulpit, not the witness stand. The message which I have to give in the pulpit is devoted to love and truth. Here the legal questions are involved. However, it is necessary in the case of emergency, for the minister to leave his pulpit and enter the witness box. Because otherwise, whatever he says in the pulpit is neither love nor truth.

Professor Schweder was a member of my community, my congregation. He helped me although he knew I was a confessional minister. Yes, if this during a period of time when the entire confessional church was persecuted, I, myself, was confined to prison. I know, now, how he feels. I would not be able to look him in the eye if in this time I would not be ready to testify that to which my conscience obligates me. I know that this will cause me to become unpopular. The same truth is involved here as is involved in the pulpit. I am not a soldier and I am not a physician. I am a minister and I hope to be a Christian. Only as such, can I say anything about Professor Schweder. However, I am of the conviction that what has been stated about him in the indictment cannot be true. I cannot imagine that he would have anything to do with that. It would also be contrary to my inner moral logic. You can see men who on the one side helped the Jews, witnesses, persons who are politically persecuted and in whose estimation the Third Reich had an interest, be interested in exterminating people in

concentration camps? How can he be pleased to watch this problem superficially.

He who takes care of other things with such risk involved, he would also have taken care, much care in this point. I think it will be sufficient for me to point out this. Sir, I have heard of Professor Schroeder's arrest in Italy by radio. During that period, I still, for a period of three months, was a prisoner, although I was a trustee of Americans and the Brit I was unable to take any action from there. I have now returned to Germany and I have reported.

It may be of interest to the Tribunal that already four weeks after end of the War I was present at one of the first orientation of the social service, and that I have already mentioned the name of Professor Schrecker this time in a positive sense, because the London Minister of War requested me at that time to give all the information which I had about the conditions of the Third Reich. At that time I gave everything I knew, and I was a witness. I am unable to right the wrong. That is not my duty. It is my duty to put the wrongs into the right. That is our duty. However, it is our duty to call good whatever is good. That is what I intended to do here. I am sure the Christian congregation will not forget what Professor Schrecker has done on its behalf, because it is not the custom of Christians to forget.

DR. LAMM: I thank you. I have reached the end of my examination.

THE PRESIDENT: Is there any cross-examination of this witness on behalf of any defendant or counsel? There being none the prosecution may cross-examine.

CROSS-EXAMINATION

MR. SCHLEY:

Q. Doctor, can you tell us approximately the number of times you personally contacted Prof. Dr. Schrecker?

A. I have no idea, certainly.

Q. Was you not just your job as a Protestant Chaplain because of that?

A. Yes.

Q. Did you know that concentration camps were under Himmler and the SS?

A. In concentration camps, yes.

Q. Did you ever visit one?

A. No.

Q. Do you know what sort of prisoners were confined in the concentration camps?

A. The kind of prisoners were kept or confined in concentration camps I have only heard about to the fullest extent after the collapse, but

[illegible] rwise I know that because of political persecution and racial persecution and religious persecution, persons were kept in concentration c[illegible] and I also know that some of my boys of the KKA were also confined there.

Q. And you yourself were persecuted by the Gestapo?

A. Yes, I was probably watched after 1933, and ever since that time [illegible] I was arrested in 1937. In the meantime I was expelled from the chu[illegible] and I was subjected to a trial by special court, which I have already previously mentioned.

Q. And did you feel that the concentration camps were a threat to [illegible] during this period?

A. Yes, certainly. After all I myself was in prison and at that [illegible] question arose that I myself could have been sent into a concentrati[illegible] camp, and that was in August 1937. And all the way through the trial it [illegible] handled very competently by a Nazi appointed counsel and this was provoca[illegible] During the interrogation he sent me a note in which he previously told [illegible] to testify, and he wrote to me word of the possibility to escape this th[illegible]

Q. You mentioned in fact that the Jehovah Witnesses were persecuted [illegible] do you know whether the Jehovah Witnesses were sent to con[illegible] concentration camps?

A. Yes, I know that.

Q. Do I understand you to say that it was a practice to condemn Jehovah Witnesses to death?

A. You must make a difference between two things. First, those Jehovah Witnesses who from the civilian localities and been sent into a concentration camp, and who were subordinated to the administration of this [illegible]. Secondly, the others who had been quite normally conscripted by the German Wehrmacht were from the date of their conscription subordinated to the Wehrmacht and on the first day of active service they testified at some [illegible] of the German Wehrmacht that they refused to perform military service, and that they were

referred to the Military Court by the Commander of that office, so we have the state of affairs that the Jehovah Witnesses were in the concentration camps, although these people were not murdered, and although they would certainly have refused to serve in the armed forces. However, on the other hand the prisoners, conscientious objectors and the persons after having received their death sentences were executed.

Q And those conscientious objectors who were conscripted into the Wehrmacht and refused to serve, were tried by a Military Tribunal, sentenced to death and were committed to prison to await execution, is that right?

A Yes, that is correct.

Q I take it that you have some familiarity with the punitive measures carried out in the Luftwaffe on soldiers who have committed acts of sabotage or mutiny, is that right?

A In some cases I was informed about it, because I took care of the military prisoners in Berlin.

Q Have you ever heard of a German soldier or a Luftwaffe soldier having been sent to concentration camp as punishment for some offence he committed while in the service?

A Well, that was to follow as far as I know in the soldier in the Luftwaffe who had committed a crime, or if the crime was very serious he was tried by the Military Court, and then he was sentenced to a labor camp and that was Sachsenhausen and Buchenwald, which have already mentioned earlier. As far as I can recall there was far in Berlin, I am not already informed about this, after the popular [illegible] had been completed and according to the regular procedure, several [illegible] went to a concentration camp. However, this did not include Jehovah Witnesses.

Q These labor camps you have mentioned were the place for the punishment of soldiers?

A Yes. I believe that in one case intended for the Wehrmacht, because I was a soldiers prisoner in Berlin there and only there

[illegible] no disturbance in the concentration camps, but certainly they are there as prisoners.

Q. Let me put a case to you; you have heard of the Concentration Camp, I assume?

A. Yes.

Q. You know that that camp was under the jurisdiction of the SS and Reich Führer Himmler?

A. Yes. I was recently there for about eight days as a prisoner.

Q. Have you ever heard of any member of the Wehrmacht who had committed a crime while a member of the Wehrmacht having been sent to Dachau?

A. Will you ask the question as to the crime could be directly or indirectly.

Q. Just tell me what you know about the disturbance caused you, be it directly or indirectly.

A. [illegible] I know in the [illegible] of the Wehrmacht were sentenced to concentration camps after they had been expelled from the Wehrmacht. Nothing is [illegible] but [illegible] died [illegible] jail at Frankenberg. [illegible] the [illegible] of the Wehrmacht [illegible]. [illegible] and [illegible] successful in [illegible] presence of such detainees [illegible] special [illegible] the last years of the confinement until this revision was eliminated. Former members of the Wehrmacht were those who had been condemned to death, and [illegible] days before the statute was changed they were expelled from the Wehrmacht, these had had [illegible] of [illegible]. [illegible] convinced [illegible] to concentration [illegible]. [illegible], I was not informed about [illegible] the situation [illegible] concerned.

Q. As far as you know, Yourself, soldiers condemned to death were executed in this prison which you have mentioned, is that right?

A. In Brandenburg, yes.

DR. McGEHEE: I have no further questions.

THE PRESIDENT: Counsel, the court will be in recess before proceeding with examination.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

DR. VOLKERT (Counsel for the Defendant DR. RAHETO):

Q. Your testimony, witness, about concentration camp inmates -- does it refer to the particular concentration camp, or to concentration camps in general?

A. What I said refers to camps in general.

Q. Before the collapse were you ever a prisoner or in any other capacity in a concentration camp?

A. I was never in a concentration camp, either as prisoner or in any other capacity.

Q. Your testimony about concentration camp inmates, therefore, is not based on your own observations, is that true?

A. That is true.

Q. Did you the people from whom you learned what conditions were in concentration camps, in particular who the inmates were, on which your testimony has been based so far?

A. Those were my friends from the confessional church.

Q. Didn't they tell you that in concentration camps there were large numbers of criminals, partly persons condemned to death and partly persons with long prison sentences, that is, persons condemned by regular German courts?

A. Yes, that is true.

Q. Then your statements about concentration camp inmates should be completed in this respect?

A. Yes, if you wish.

Q. Thank you. I have no further questions.

THE PRESIDENT: Any further questions of this witness on the part of any defense counsel?

The Prosecution may cross-examine.

DR. SEIDLER: No further questions, Your Honor.

CROSS EXAMINATION:

Q. Rector, will you tell the Tribunal again...

A. I am sorry, I cannot hear.

Q. Will you again report to the Tribunal when it was that you first learned of the existence of concentration camps in Germany?

A. Just was when the Keller was arrested; as far as I can remember that must have been 1937.

Q. To what extent was the knowledge of the existence of concentration camps.....

A. I cannot hear.

Q. To what extent was the knowledge of the existence of concentration camps, their location, and the varied categories or classes of prisoners kept there, known generally in Germany during the war, can you say?

A. First of all I heard only of the two big camps, Dachau and Buchenwald. Then I knew of a camp for women at Sohenlychen. That was because the bishop of Mecklenburg was had been delivered by German christians, Dr. Stahlecker, asked me to see if I could be whether I would not help him to get his wife from the concentration camp at Sohenlychen by approaching a high officer of the Luftwaffe. That is how I learned about Sohenlychen. That is the whole.

Q. Do you say whether or not your knowledge of the fact of the existence of concentration camps in Germany was generally known by the German population or at least by Germans in official positions within the framework of the government?

A. My connections were strictly secret, but even all the bishops, I think, knew about it. I only left the assignment from the confessional side. The better known my position might have been, the less I could have done. It only lasted until 1943. Then I lost the opportunity.

Q. I'm not at all sure that you understood the question. The question is this: Are you in a position to say whether or not it was generally known or understood throughout Germany that there were such things in Germany as concentration camps?

A. I can say one thing. The two big camps, Oranienburg and Dachau, were generally known in Germany. But I emphasize generally that there were two concentration camps — two cover names. As far as I know, at least, and far as I know from confidential reports from my friends in the Confessional Church, they were divided into two parts, into a public part which is known as a social camp, and an unofficial one of which is not shown. It lands know only the public part. What happened in the unofficial part particularly in the other camps whose names I have forgotten now, such as Buchenwald or the camps near Vienna, we never learned about that. The prominent tactics were good. I mean that ironically.

Q. Do you know, of your own knowledge, that official groups in the framework of the Nazis government were in charge of the administration of the part of the camp that was not a social camp — in your opinion?

A. That must have been within the understanding of the Ministry of the Interior. They are in charge. Other departments were known about it. I am not informed about the details.

Q. You were asking some questions about the difficulty of carrying on religious practices in the Wehrmacht. Can you tell us whether or not, or to what extent if any, chaplains were officially assigned to the various divisions or other military or naval units of the German Wehrmacht during the war? In other words, are there, within the framework of the German Wehrmacht, an official chaplain's organization or assignment, such as there, for example, in America?

A. There was such an organization. It was directly under the office of the High Command of the Army. It was headed by a Field Bishop for the Evangelical Church and a Field Bishop for the Catholic Church. In the army, particularly in the army, there was, for a certain period, a Wehrmacht Bishop; for each army, a Wehrmacht Bishop and for each division

Divisional Pastor; that is, two in each case, an Evangelical one and a Catholic one. There were no other chaplains. Each division — at wartime strength—had only two chaplains. The Luftwaffe did not have chaplains of its own. That was, first of all, because the Luftwaffe had no tradition. It was something quite new. I know from conversation that Goering, at the beginning, tried to set up a chaplain system for the Luftwaffe, but in 1936, he was not able to put his views through against the opposition of Bormann and Hitler. And then, when, in 1940, through General Bodenschatz, Chief Adjutant, I tried to achieve something, he took a negative attitude. He said he could not do anything. Hitler had definitely prohibited a new branch for chaplains within the Wehrmacht. The High Command of the Army, as well as the officers of the Luftwaffe who were favorably inclined to religion by private agreement, as it were, took care of the Luftwaffe units which were in the neighborhood through the divisional chaplains. The result was that they got practically no help, because the Army chaplain could not even deal with his own division. There were simply too many people. These were the difficulties.

JUDGE SHORT: I have no further questions.

DR. SEIDL (Counsel for the defendants Rothenberg, Oberhauser and Fischer): In view of the last questions of the Tribunal, I ask permission to put the questions to the witness.

THE PRESIDENT: Counsel may proceed.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, you spoke of the Concentration Camp Mohrungchen?

A. Yes.

Q. You said that it was the only concentration camp for women in Germany?

A. To my knowledge.

Q. It is a fact that there was only one concentration camp for women in Germany; that was the concentration camp Ravensbruck. It is true, however, that Ravensbruck is near Mohrungchen — 22 kilometers away.

A. Then that is probably the one.

DR. SEIDL: That is all.

DR. STEINBAUER (Counsel for the defendant Seiglbeck): May I also, after the questions of the Tribunal, put a question to the witness?

THE PRESIDENT: Counsel may proceed.

DR. STEINBAUER:

Q. Witness, you were asked about the duty secrecy. Do you know that if someone succeeded in getting out of a concentration camp he had to sign a pledge not to say anything whatever about the concentration camp?

A. I was told that.

Q. Do you know the literature about concentration camps which has appeared in large quantities in Germany and in Austria, or have you read some of it? Have you read some book?

A. I was three months behind barbed wire. I did not read much.

DR. STEINBAUER: I have no more questions.

THE PRESIDENT: If there are no further questions to be propounded to the witness, the witness may be excused.

(The witness was excused.)

THE PRESIDENT: The defendant Lautenbacher will resume the witness stand. The witness is reminded that he is still under oath. Counsel for the prosecution may cross examine.

CROSS EXAMINATION

MR. McHANEY:

Q. General, did you know that political prisoners were incarcerated in concentration camps?

A. Yes.

Q. As of what date did you know that?

A. I knew that from quite time. The case of Pastor Niemoeller was an example of that.

Q. You knew that concentration camps were under the jurisdiction of Himmler, as Reichsführer SS, did you not?

A. Yes.

Q And you don't want the Court to understand that the Ministry of the Interior had jurisdiction over concentration camps, do you?

A Himmler was Reichsminister of the Interior and Chief of the German Police. As such, he was the Chief of Concentration Camps. That was a function which he had as Chief of the German police, in the German Ministry of the Interior.

Q But, General, all of the defendants and their counsel have been very scrupulous in drawing the line between the various duties of the men who occupied two positions and, since that's been done to such a large extent, I want to ask you a little bit about this dual position of Himmler as Reich Minister of the Interior and as Reichsführer SS and Chief of the German police. Do you know when Himmler became Reichsminister of the Interior?

A I believe that was in 1943.

Q That's just about right.

A He replaced Reichsminister Frick.

Q Well, you don't think Frick had jurisdiction over concentration camps, do you.

A No. There was a change, but I experienced that only from the outside. There was a reorganization. If I recall it correctly, Himmler — that is probably the case before the war, where first of all, Chief of the German Police — that was his title. The police was a branch of the Reich Ministry of the Interior. When Frick left the Minister of the Interior Himmler took over this position and title. His title was Reichsminister of the Interior, and Chief of the German Police, and then a subtitle, which follows SS. That is how I remember it.

Q The SS was a party organization, was it not?

A I believe only in part, but please see other reports. I do not claim expert in that.

Q Now, General, I'd like to ask you a few questions about the position of your co-defendants, and, in that connection, you signed an affidavit, which is document NO-442, introduced as Prosecution Exhibit 130. In paragraph 8 of this affidavit, you state the following: "Karl Brandt, Handloser and Rostock were informed of the medical research work conducted by the staff."

Handloser was chief of the medical service of the armed forces, and my superior in medical matters. Do you repudiate the statement that Handloser was your superior in medical matters?

A. I must explain this statement, that sums up in a number of statements — a number of discussions, which do not take into consideration the fine points as was the case in the detailed discussion here in the course of the trial. I have seen the difference between superiors in a military sense, and there are about a [illegible] instructions, and so I must understand this explanation in the statement.

Q. Did Handloser, or did Handloser not prior to August 1944 have the right to issue directives to you concerning medical matters?

A. He could give directives, yes, but they were not in the form of orders. I have already stated that I personally did not take such a great emphasis on these fine points, because I approved the position of superior in the in the chief of the Wehrmacht Medical Service to the extent by which, for example, the instructions as given before August 1944 I considered orders, and I acted accordingly. For example, if it was a date for general vaccination which was to be met.

Q. Very well, General. Then there is nothing mysterious about the position of Handloser is there. Did you or your chief of staff issue orders, or did you merely issue directives, or instructions, as you call it, or was there any other officer simply issue such directives and such instructions?

A. The [illegible] in his position. My chief of staff, of course, could issue orders, but at the top of letter it said, the chief of the medical service, and with the signature which stood "I.A. - per Falk"; that was an order issued by the office by some one who had the justification.

Q. An order issued by you through Falk, was not it?

A. What do you mean by that?

Q. Just exactly what I said. When he signed "By order of Falk" it meant by your order?

A. Of his order, of course. He acted for me.

Q. And if any other staff officer issues directives or instructions, they are very well followed by the people who received them, aren't they,

General?

A. Not any one. Only those who have the right, to stick to the general. In my office, it was the chief of staff and the section chief who had this right, and other people.

Q. Did Gerlacher have the right to issue instructions of a restrictive nature, too, didn't he?

A. Yes, he might say that.

Q. Let's come to Rostock. Did it not in fact happen that Rostock was chief of the Office for Science and for Research under Karl Brandt, who first was a Reichsbeauftragter - General of Health Service, and later Reichs Commissioner. It was Rostock's duty to avoid duplication as to distribution of assignments in the field of medical research, therefore, all distribution of assignments had to pass through Rostock's office; for instance, if I had an idea or thought some research work, a copy would go to Rostock to inform him of the nature of the job; then Rostock can tell whether that particular job has already been worked on by some one else, and whether it could lead to worthwhile results. Do you regulate that statement, or is that true?

A. At the time that I understood the duties. I may make the following explanation —

Q. No — I'm interested, just a simple, I am not interested in your impression. I want your understanding of Rostock's position by the testimony that is here given. I am asking you if the statement in this affidavit which I have read to you is a correct statement in your understanding of Rostock's job in the years of 1944 and 1945. Yes is it or isn't it?

A. Yes, that was my understanding of the position.

Q. Well, let's turn to Becker-Freyseng. You described both the position of Becker-Freyseng and that of Rostock being one of very little power and authority, as I put it, and you also described Rostock as man of amiable character. I, therefore, assume that you are ready to take the responsibility for their activities from January 1, 1944 until the end of the war. Do you or do you not take that responsibility?

A Very well.

Q How will you describe quite briefly -- strike that out. Was Becker-Freyseng your principal consultant on all scientific questions?

A No. He was aviation medicine consulting physician, as I said this morning.

Q That is very peculiar. I have your interrogation here before me dated September 16, 1946, and you read the whole thirty-seven pages of it, and signed it at the end. On it you were asked the question, what was the work of Dr. Becker-Freyseng, and you answered, with me as chief of Sanitary Service, Becker-Freyseng was principally a consultant on all scientific questions in my office. He was the consultant in scientific questions on aviation medicine, is that a good description, or not?

A He was a medical in my office, yes, that was his job. He was consultant for aviation medicine, that is right, but in addition I had consultant specialists for the current daily work, that was, of course, not Becker-Freyseng. If any special questions came up then I had Dr. Strokholt as director of the Institute, or Cohn, or whoever was the suitable man for the special case. But to give a general oversight, there was Becker-Freyseng, he knew best as to what was going on in general in the field of aviation medicine. That does not mean he was a specialist in a specialized field, there were individual consultants for that part.

Q That is quite clear. However, I think it is a different picture you gave from this morning. That certainly does not make Becker-Freyseng to be a great scientific specialist of all possible and conceivable matters, but he was from 1944, the Referent of aviation medicine, was not he chief of that department?

A He was Referent for aviation medicine, yes, but that does not make any difference in what you just said, there is no difference. I can see no difference.

Q All right, and in the chief of the department for aviation medicine, he was generally informed on all research work carried out by the Luftwaffe,

was he not?

A On aviation medicine research -- on aviation medicine, yes, that was received by my office and was turned over to him. As I said this morning, and say now, of course, he knew what kind of assignments were being carried on, but he was still not a specialist in those individual assignments, that was what the consultant physicians were for.

Q All right, let's restrict it to aviation medicine for just a moment. [illegible] report back on an aviation medical problem, it went to Anthony, and [illegible] didn't it, and they reviewed it, didn't they?

A Yes.

Q And he held the same position prior to 1 January 1946, except that he was [illegible] to Anthony, who was the department chief for aviation medicine, that is right, isn't it?

A Anthony until April or May was a consultant and Becker-Freyseng was the assistant. The work of chief of section, I said this morning, of the Reichsreferent consultant, we mean something else by that.

Q General, I want to put another question. I'll ask, in this interrogation of 19 September 1946 you were asked the question, could Becker-Freyseng's position in relation to you, or to Mugler's, be compared with Rostock's position on a smaller scale, and, you replied, yes, he was responsible for the collecting and utilization of all results of the research work in aviation medicine, and then he made proposals, which included whether or not we should grant loans for such. He was my scientific adviser. Do you reaffirm that statement?

A Yes, that was in the sphere of referent consultant. I said at the time that the same as Rostock was adviser to Brandt, and on a small scale Becker-Freyseng for aviation medicine was my consultant.

Q. Now, let us turn to Rose. Rose was your principal advisor on questions of hygiene; was he not?

A. Yes.

Q. And any hygenic medical problems, which were worked on by the Luftwaffe, came to the knowledge of Professor Rose; didn't they, General?

A. That is not necessarily true, but co-explain it. Becker-Freyseng was consultant for hygiene, instead Oberarzt Bürner, whom I have already mentioned today. All of the mail to the field of hygiene went through this consultant. That does not mean that Rose knew of all this mail he only received only the problems which arrived in all of the other matters were taken care of by the consultant. Rose was the advisor on specialized questions. This particular consultant was a district hygienist in civilian life and he did not have the particularized scientific experience he was a practising physician. All of the scientific problems went to this department, to my consultant who in this case was Rose. It is possible that Rose did not learn of all the daily work, because the department took care of it if it did not require any scientific knowledge.

Q. I am not interested in the daily operations of this office that Ehrke ran. I put it to you that Rose knew anything important that came up in the Hygienic section, didn't he?

A. Yes.

Q. And that was always done under Ehrke, wasn't it?

A. I cannot say, I assume that his duties were the same.

Q. It was Rose's duty to be kept informed of the experiments carried out in his field, was it not General?

A. Rose no doubt took care of the personnel assignments, according to the instructions he received from Ehrke or me.

Q. That is not what I asked you; I said it was his duty to keep himself informed about the experiments in his field?

A. Yes, I cannot express that exactly so. The consulting physician had no authority, no disciplinary authority and no position of a superior.

If there was any authority in [illegible] around me, as Sitymo or I might say to him, "Mr. Rose, we have given this assignment to Mr. so and so, this has gone on for a long time and we do not see any results. Please see what is the matter." It was always done in this way, that he had the duty on behalf of his chief.

Q. [illegible] Gen'l, I don't think that's a very good example of much difficulty when [illegible] asked the question once before. [illegible] on the 2nd of October, 1947 [illegible] interrogatories [illegible]. [illegible] Rose's duty [illegible] "[illegible]" [illegible] referring to [illegible] interrogatories [illegible]: "Of course, [illegible] physicians such as Rose [illegible] his duty to inform [illegible]" [illegible] further [illegible] experiments [illegible] "Was it not part of his duty?" [illegible] answered, "Yes, he had the supervision [illegible]." [illegible] further asked the question: "Was it his duty not to attend at the experiments but he had to supervise the carrying of them into effect?" [illegible] you said, "Yes." Do you reaffirm those answers now, Gen'l Schreiber?

A. After the question which took place between that time and today, one must be a little more careful in the formulation. According to the sense, I would say exactly, I will more truly. In this formulation, it just sounds a bit different.

Q. Do you [illegible] interested merely in the sense of it as we are trying will we get just a clear picture of how things worked in practice. [illegible] I want to put it to you in this affidavit you signed was a pretty nice document from Rose's point of view. Coupled with this interrogatory you were referring to, he asked you more another question. "Question: You never heard of Dr. Krugowsky? Answer: Indeed not. He was the hygienist of the SS. Krugowsky's position with the SS was identical to Rose's position with us."

A. That is right, that is true. I did not say that I knew Krugowsky, I merely knew his [illegible] position.

Q. When did you learn about the research institute in Dachau?

A. That was discussed for the first time in the matter of the sea-water experiments when the question was brought up of holding the experiments at Dachau.

Q. While I have this interrogation before me, I want to ask you whether in this conversation you had with Gravitz the latter part of May or first part of June, 1944, concerning the sea-water experiments, you made clear to him that it was infeasible to have complete control over those experiments; did you? [illegible]

A. [illegible] I did not bring [illegible] conversation [illegible] I was confronted with [illegible] I felt after all [illegible] I [illegible] it in the [illegible]

Q. You have refreshed your failing memory in that right?

A. Yes, carefully I have become acquainted with those questions again.

Q. I appreciate that, General; you also have become acquainted with the number of Documents the prosecution has; haven't you? Now, General .....

A. I did not understand that.

Q. I say you have also become familiar in the meantime with some of the Prosecution's documents, haven't you?

A. Yes.

Q. [illegible], on the 18th of September, 1946, you were interrogated at some length about sea-water experiments. Then, again on the 2nd of October, 1946, we interrogated you again, we gave you a rest of about two and one half weeks and I am glad that you refreshed your memory pretty carefully in the interim about these sea-water experiments, so I was very surprised to hear you say under direct examination that you had told Gravitz that these experiments were to be controlled by your doctors in the Luftwaffe, because when you were interrogated on October 2nd you did not have such a good memory about what went on in Dachau. You were asked on October 2nd the following: "Will you question about the practical experiments with regard to making sea-water drinkable, which were carried on in the concentration camp Dachau?"

You answered in part: "I cannot say anything about it. To me it looks as if the SS at that time, as it also can be seen from here, was in charge of the execution and that by it was completely out of my hands or my direction. The situation in Dachau was such that there was no possibility for us to have any kind of influence on the work there and to interfere with it or to direct further on." Do you remember saying that, General?

A. Yes and I know the contents, I know the story. As I have already said, I was best confronted with these questions after a rather long period of other events and the full sub-vector experiment was not a matter which had taken particular great attention at the time. It was only one of many tasks at that especially since I did not work on the question myself, I no longer remembered the details very well. I did remember the beginning of the vector and I remembered that the execution took a long time, longer than we had expected. I also hoped that it would be very quick and I remember that this delay arose from local difficulties with the SS. I also remember that Eichbaum was an observer for us. That was on the basis of his clinical training and he was the most suitable person, but at the time I was for getting all the details, because they were not worked out in my office and I did not have my direct contact. However, in the meantime I have had an opportunity to deal with the factual level, so that the picture has been reconstructed as it was at the time.

Q General, I am shocked to hear you say that the details weren't worked out in your office, because I am rather under the impression that you did everything in these experiments except go to Dachau and perform them yourself.

How many meetings of the consulting physicians did you attend?

A [illegible] meeting in 1944.

Q [illegible] about that? That's the only one we have proved so far [illegible] your memory quite [illegible] what is the other [illegible]

A [illegible] 1943 as I told the [illegible] was being [illegible] 142 [illegible] In [illegible] In 142 [illegible]

Q Now, do I understand you to say that the first time you learned anything about the High-Altitude experiments was after the war ended and you were in captivity?

A Yes. That was in October or November 1945 when I was a prisoner of war in Latimore near London. We heard it on the radio. That was the first thing I had heard of it.

Q Rose didn't tell you about these, did he, in London I mean?

A We were together in the same camp.

Q [illegible] before time did he give you about these Dachau experiments? I'm inclined to think he did talk to you about it. What did he tell you?

A I can even remember the occasion. We had a news service in the camp. It was posted on a board. There was this radio notice on it and we stood there and read it. That was the first news about it.

Q Did Rose, on that occasion, talk to you about this meeting he attended in Nurnberg in October 1942 about the freezing experiments? Didn't you Luftwaffe gentlemen have a little discussion then about these experiments?

A It is possible. At that time we were in this camp a so-called OKL party, the high command of the Luftwaffe, was there. We had to work

[illegible] an English-American commission [illegible] were at our offices, our official [illegible]. There was the chief of the general staff, and so forth. And [illegible] office had quite a number of documents, files, and when this notice [illegible] posted in the board I asked the English or American liaison officer [illegible] they did not have anything about this in our files, any evidence [illegible] what was reported in this radio report. And after a few days one of [illegible] American gentlemen came and brought me this report, [illegible] I see, with [illegible], which were in the files which had been collected at Lublinec. I [illegible] through — I read it, and I talked to the English or American liaison officer and I explained to him that to my knowledge, as far as I had known up to that time, this radio report could not be true of the Luftwaffe. I know nothing about it. But must still be in the files at Lublinec.

Q Well, I guess you recognized it was right when you read the freezing report, didn't you, General?

A I beg your pardon? [illegible] report? Yes, it looks different today than it did at that time, but we were of the opinion that it could not possibly be true in the form at the time.

Q I assume you never talked to Huff or Lindner before the war ended but those high-ranking officials they captured at Dachau?

A That is true. I never talked to them.

Q Bucher-Freyberg never told you anything about that?

A No. I became his aide — not informed.

Q And you never did any investigation of the matter, of course, since you knew nothing about it?

A No.

Q And you made no verbal report or comment with respect to it, of course?

A I am sorry. Not quite through in English.

(Interpreter put the question).

A No, I had no knowledge of these things.

Q Incidentally, Bucher-Freyberg was a close friend of [illegible], weren't you? You used to [illegible] him, didn't you?

A No. We [illegible] rather, but a friend of [illegible] only

ge or trips. We did not see each other at that time, but that was be-
cause of geographical conditions. I was in Salem with my office, and he
was in some other town.

Q Well, you don't disown your friendship now for Hippke, do you?

A No.

Q And they had channels of communications between you and Hippke,
didn't they?

A No. While I was in office you mean?

Q While you were the physician for air fleet 2, for example, you were
stationed in Italy for part of the time. I take it that you might have
talked to Hippke over the telephone from time to time. That was a possi-
bility, wasn't it?

A Yes, but at that time we had no contact because we had certain
personal differences.

Q And you never discussed these experiments with him?

A No.

Q You never got the report on the experiments which was written by Ruff, Romberg and Rescher?

A No.

Q What did they do with these reports on aviation medical [illegible]? Did they hide them somewhere and not use them?

A I never got them. I don't [illegible] said that.

Q When did you first learn about the freezing experiments? Did [illegible] you to say this not in [illegible]?

A No, in the spring of [illegible] I saw this report on discussion at [illegible] meeting during the [illegible] time, as I said yesterday or today, the official report of [illegible]. I believe that it was discussed in February or March, '43, in the subordinate agencies.

Q And that was the first you heard about it?

A That was the first and I heard of it, yes.

Q You didn't receive the [illegible] report written by Weinbrenner, Pace and Rescher?

A No.

Q Did that contain [illegible] like the high-altitude report?

A I don't know. [illegible] I have heard they were not in our [illegible] at all.

Q When did you first [illegible] to [illegible] suffering from [illegible] frostbite or [illegible] exposure [illegible]?

A From the reports [illegible] winter [illegible] in which [illegible] directives [illegible], if I remember rightly, but it is [illegible] that they [illegible] a circular to the subordinate [illegible] system [illegible]. I don't say certainly, but it is certainly [illegible].

Q [illegible], General, [illegible] German military [illegible] [illegible] experiments [illegible]

reports about meetings? Didn't the medical services, as a matter of fact, issue something in the nature of formal instructions, formal directives?

A As has already been said by Dr. Handloser, directives were issued on the basis of experiences or lectures at conferences by us. In the latter case—that was the case of it—there were announcements for the group [illegible] ("[illegible]"). [illegible] which [illegible] things [illegible] the [illegible] in a brief form. It [illegible] how drugs [illegible] freezing should be treated [illegible] baths. [illegible] [illegible] [illegible] [illegible] them.

Q General, I [illegible] report which you [illegible] regimes than you [illegible] of the [illegible] in the Luftwaffe, and they [illegible] brought upon the important advances in German military medicine during the war. You listed a number of them, but about fourth in the list you put [illegible] were established for treating [illegible] due to [illegible] exposure to cold, do you remember that?

A [illegible] in the interrogation, it [illegible] several things were mentioned. [illegible] the only one.

Q I told you that, but I think since you regard it as such a [illegible] discovery, you would be able to tell me when you first received instructions about using [illegible] treatment?

A That would be in the spring [illegible] this was the effect of this report [illegible] actually a considerable change. [illegible] instructed [illegible] freezing [illegible] should be rubbed with snow, [illegible] with cold water, then with lukewarm water and then [illegible] water,

and that was suddenly there was [illegible] a change from the old procedure; that one was to put the patient immediately into a hot bath. This was actually a considerable change, especially since the results were proved to be better.

[illegible]: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal [illegible] until 9:30 o'clock, [illegible] February 1947, [illegible].)

Roll 5

Target 2

Volume 11

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CASE No. 1 TRIBUNAL I

U.S. vs KARL BRANDT et al

VOLUME II

TRANSCRIPTS

(English)

27 February – 4 March 1947 pp. 3618–3981

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 27 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, the defendants are all present with the exception of the defendant Oberheuser who is absent due to a continuation of her illness.

THE PRESIDENT: The Secretary General will note for the record the absence of the defendant Oberheuser on account of illness and I will file the doctor's certificate with the Secretary General. Counsel may proceed.

OSKAR SCHROEDER - Resumed

CROSS EXAMINATION (Continued)

BY MR. MC HANEY:

Q. General, I want you to make clear two other points to the Tribunal with respect to Becker-Freyseng. It is true, is it not, that all research assignments made by the Luftwaffe came through the office of Becker-Freyseng, irrespective of whether or not they dealt with aviation medicine?

A. Yes, I explained that yesterday. I explained that because of office technical reasons all research assignments were dealt with in the department of Becker-Freyseng, but it should not be understood that those assignments which had nothing to do with aviation medicine, for instance, in the field of hygiene, or dental care, or other things, were also worked on in that department, but they were only worked on down there in an office technical manner. As I explained yesterday, in order to deal with such assignments certain formalities had to be abided by. These things were

well known in the department of Becker-Freyseng and since the mass of these assignments came from the sphere of aviation medicine this department already before the time I came there received the office work with reference to all of these assignments. With reference to the contemplated assignments which remained in the department we could see at all times what agency of my department was actually working on the scientific questions.

Q. The technical reasons you mentioned, it was also true, was it not, that all reports made by scientists working on research problems for the Luftwaffe flowed back through the office of Becker-Freyseng, irrespective of whether they dealt with problems of aviation medicine?

A. I cannot say that with certainty but I would imagine and in order to choose an example, a report about paradentosis research did not go to Becker-Freyseng at all but was dealt with immediately after it was received by the mail and was assigned to the man working on it. I cannot say that exactly. That is a matter of mail distribution which was not supervised by me in any way.

Q. Well, General, don't you know as a matter of fact that with respect to the work of Hagen on typhus, and assuming he sent a report in to the Luftwaffe, didn't that report as a matter of fact pass through the office of Becker-Freyseng? Of course, I admit it was undoubtedly sent along to Rose, but didn't it go through the office of Becker-Freyseng?

A. I would doubt that very much. Any work of Hagen was clearly recognizable in the registration office as a field which belonged to the framework of hygiene, so it would not be handed to Becker-Freyseng because that would have been a wastage of time which was completely unnecessary - to give the work to Becker-Freyseng and then have it sent on to Rose. I would imagine that this was sent immediately to the expert working on it, either Rose or other.

Q. The office of Becker-Freyseng was one central place there you could tell the status of all research assignments by the Luftwaffe. He wasn't advised as to these reports, then how did you tell anything by looking at the files except that in the year 1942, for example, the re-

search assignment had been made by Brogen? Don't you know as a matter of fact that these reports came back through his office so he could keep track of what was being done on these research assignments?

A. The list of research assignments, as I said before, were kept in the department of Becker-Freyseng, but all the field which did not belong in the sphere, such as hygiene and other fields, on the basis of the assignment were supervised by those experts who were competent to do so. That is to say, that it was completely sufficient if the respective experts received such a work, that he merely had to inform Becker-Freyseng or telephone him, "Mr. Becker-Freyseng, the work is being done," and we received the final report and the report as such did not have to be submitted to Becker-Freyseng at all.

Q. When were you promoted to the rank of Generaloberstabsarzt?

A. On the 1st of January, 1944.

Q. When were you promoted to the rank of general?

A. On the 1st of June, 1940.

Q. Do you remember when you were promoted to the rank of Oberstarzt?

A. Yes, on the 1st of August, 1935.

Q. Holzlöhner served with you during the campaign in the West, didn't he?

A. Yes.

Q. I don't believe you told the Tribunal yet about the conversation you had with Holzlöhner on his freezing experiments, have you?

A. What experiments do you mean? What discussions do you mean? Do you mean in the year 1940?

Q. General, you know as a matter of fact there apparently is some dispute between the prosecution and yourself about the precise date, but you know during the course of the war that Holzlöhner, Finke, and Rascher had carried out experiments on concentration camp inmates at Dachau?

A. Yes, I learned that in my office in 1944, as I said here before.

Q. And, I am suggesting to you after you learned that Holzlohner had been implicated in those experiments you called him in and talked to him?

A. Yes, oh yes. I know when you mean now, yes. There are two things which play a part here. I said yesterday already that Holzlohner in the year of 1940 had furnished the Aid Station at Mitze, the Rescue Station at Mitze, where he first gained experience, people who were rescued from the air. Then I lost sight of Holzlohner, since I left the west in the year 1941, and I saw him again for the first time in the year of fall of 1944, which for some reason that I do not know, visited a gentleman of my office. At that time I spoke to him shortly and since I had learned in the meantime that he was conducting experiments in Dachau, I asked him briefly whether that was correct or how he was doing it, and I remember at that time he told me that he was conducting experiments which were based on his old experiences which he gained at the coast and he was supplanting these experiments by conducting experiments on human beings in Dachau. At that time, he was speaking about 6 or 7 criminals who had been condemned to death and who were put at his disposal for that purpose; he, at that time, said nothing about any fatalities at that time. I gained the impression that the entire manner of the accused had impressed him mentally. I had the feeling that he did not like to speak about it; his suicide later confirmed that.

Q. Well, General, I think this is all rather significant. I think you should have promptly made some mention of it before this date. When was this meeting with Holzlohner?

A. I said that during my interrogation; I think that was in the fall of 1944. I cannot remember the exact date any longer. It could have been November 1944. I am not quite sure.

Q. Well, this was after you had initiated the co-worker experiments, then; is that right?

A. Considerably later, yes.

Q. And, as I recall, you also said in this interrogation that you had this report by Holzlohner, which I understand, you to have read before; now, did you read Holzlohner's report, or not?

A. No, nor did I ever say that I had. He reported to me on this, but

[illegible] show on [illegible] report.

Q. Now, General, I am reading from a summary from an interrogation of [illegible] on 21 October 1946, and one paragraph reads as follows: "Schroeder [illegible] knew about the Sen-not and Winter-not reports from which he could conclude that human beings were used for experiments. This could also be concluded from Holzlöhner's report on the Freezing Experiments, and it could furthermore be seen from the comments which Dr. Rascher wrote on the above matter. Schroeder learned about these matters in 1944." Now, is this summary inaccurate?

A. Very inaccurate.

Q. All right, let us put it straight. In the first part of 1943, you received a report on the Nuremberg Meeting, did you not?

A. Yes.

Q. In May 1944, Becker-Freyseng told you that Holzlöhner, Finke, and Rascher, had carried out experiments on concentration camp inmates at Dachau, did he not?

A. That is not the way to put it. He said that Holzlöhner had made the experiments; nothing was said to me about Rascher and Finke. I did not know them.

up to that time. I heard their names only since I was imprison-
d.

Q. You mean you had not heard up to then that Karcher had
worked with Kolzleitner on the experiments; is that right?

A. No, I did not say that. I heard Karcher's name for the
first time in this report of 1943 when I was imprisoned.

Q. Well I do not know, General, but I am going to look in
just a minute; I think Karcher's and Pinke's names are mention-
ed in this report which you got in the first part of 1943
on the Dachau meeting. You do not recall that?

A. No.

Q. And, I very well remember, that Karcher had made a
statement on this rather long lecture by Kolzleitner, from
that it could clearly be seen that Karcher, himself, was ex-
perimenting with Kolzleitner; do you not remember that?

A. I can say that now, because in the meantime I have seen
those reports, Sun-not and Mother-not, and have read them
through carefully and acquainted myself with the various matter,
and I know that in this report there is a extensive report
by Kolzleitner and after that a short discussion followed
by Karcher. I did not pay any attention to it at that time
because I had no connections with Karcher, nor did I see any
reason why I should; but, I did interest myself in Kolzleit-
ner's report because I was in the meantime working with him on
the French court.

Q. Well, we will go, but the report in June is important,
because it was to do with your discussion with Kolz-
leitner. Can you tell us, more or less, exactly what he told
you?

A. That is a little too much to ask, I think you can
take an idea of the contents, but I will
try to do it now. I do recall that Kolzleitner was not being in-

my barracks, and I asked him to stop in [illegible] and then asked him regarding the experiments. He answered me briefly and then our talk was at an end. The only thing that struck me was that Colsloehner, who previously had been a very friendly and cheerful person, was very depressed and worn out. I attributed that to the five years of war that had taken place by this time. But there were other reasons, perhaps, for this, I could only deduce that from the general topics. It could be that I made remarks to my adjutant on this subject. I am not sure at the moment, but I think it is quite possible because Augustinick knew Colsloehner very well, and liked him. Perhaps Augustinick [illegible] that later.

Q. You said a moment ago you got the impression that Colsloehner did not want to talk on the chemical matter, and you also had been dabbling in nuclear experiments, yourself. I think under these circumstances, it would be expected that you would have questioned Colsloehner more closely with what was going on in his experiments. Would you not think?

A. He told me briefly what his observations from the Swedish chemical group could be checked on experiments being carried out in a specially constructed building in Berlin, and that these experiments had been based on the report which he had published. There was no particular sense with what was going on. Why should I ask anything further. I was not particularly interested in going into that specific result.

Q. Well, were the notes for experiments worth that much?

A. Yes, a lot more than that, and in fact even so, it must have been that Colsloehner could be convinced these experiments had been conducted long previously.

Q. You did not think it was important to prosecute the matter with the Swedish group in Berlin?

A. No.

[illegible], you continued this report which you received on [illegible] meeting; that is Document 70-401, Prosecution's Exhibit [illegible]. The statement is [illegible] that the salary of Hideo [illegible] is [illegible] laborer. I read a statement [illegible] of this report which reads as follows: "[illegible] of Toshiba, [illegible] the operation of Toshiba [illegible] Factory. Hideo, Shoji [illegible] age in a year of 3 to 12 years." This statement is the very clearly that the [illegible] Hideo was a [illegible] child slave, was it not?

A. Yes.

Q. Now, I should [illegible] your own evidence [illegible] it was impossible for you to [illegible] from this report that [illegible] were carried on, [illegible], you should [illegible] possible [illegible] people taken out of [illegible]; is that right?

A. Yes, I heard my own [illegible], my superiors, orally [illegible] report which [illegible] to be translated [illegible]. [illegible] report [illegible] but I did not [illegible]. I placed [illegible] orally but I have no further responsibility [illegible] [illegible] [illegible] Mori [illegible] I was [illegible] throughout the war.

Q. Let's just look briefly at [illegible] or two points here and see if they might not indicate to you, if you thought about it a little bit, that these were really experiments and not clinical observations on people who accidentally fell into the sea. For instance, on page 11 of the translation it states as follows:

"The rapidity with which weakness occurs is remarkable. It was determined that already five to ten minutes after falling in an advancing rigor of the skeletal muscles sets in, which renders the movement of the arms especially, increasingly difficult. This affects respiration also. Inspiration is deepened, and expiration is delayed. Besides this, heavy mucous secretions occur."

Now, when you read that little paragraph about a man who had been in the water five to ten minutes where it said that he had rigor of the skeletal muscles, where his inspiration is deepened and his expiration is delayed and where there is a heavy mucous secretion, did you imagine that they had Dr. Holzlöhner in a lifeboat in the North Sea making these observations on some sailor who had fallen in accidentally? Did you think that, General?

A. Yes, that's what I thought. You don't know the local situation in Vlissen. There was a beach and dunes; and on the dunes always stood a guard of the air rescue station, who kept an eye on the water and that part of the country, particularly when flights to England were taking place so that it actually did happen that fliers bailed out and fell into the water just in front of the searchlights. Rescue boats were ready at that time and went out immediately into the ocean, so that it was altogether possible that fliers who fell into the water close to the coast could very shortly be observed and rescued. These are the facts of what took place at that rescue station at that time.

Q. On the same page there is a reference: "Had the drop of the rectal temperature to 31 degrees, a disorder of consciousness occurs, which passes to a deep, cold-induced anesthesia if the feeling persists below 30 degrees."

Now, do you suppose that they pulled this aviator in and inserted a rectal thermometer and found his temperature at 31 degrees and then tossed him back in and let it drop another degree, all the time watching closely the clouding of consciousness, and then hauled him back in when it was 30 degrees and noted a deep, cold-induced anesthesia?

A. No, nor is that the correct way to put it. This is one of the observations that was new to us and to which we paid a great deal of attention as an explanation of these incomprehensible fatalities, namely, the fact that when the people were removed from the water their temperature still dropped and exactly at the time when their temperature dropped there took place the fatal collapse of the heart. This was one of the fundamental and new observations on our part; and I must repeat again and again that this rescue house was a small place, but it did have the apparatus for observing these people very exactly. That was the sense of the whole thing.

Q. General, you've already covered yourself a little bit by saying you didn't read these discussions after Holzlechner's lecture very carefully; but I want to read you the one by Rescher in any event and see if you won't admit that if you had read this little comment by Rescher that there could have been no doubt whatsoever in your mind that experiments were carried out and not observations on aviators in the North Sea. This is on Page 15 of the translation; and Rescher has said:

"Supplementing the statements of Holzlechner, there is a report on observations according to which cooling in the region of the neck only, even if it lasts for several hours, causes merely a slow low sinking up to one degree centigrade of the body temperature without changing the blood sugar level or the heart function. Checking of the rectal temperature was carried out by taking the temperature in the stomach, and showed complete agreement. After taking alcohol body temperature decreases at a quicker pace. After taking dextrojar, the decrease is slower than with experiments in both sober and alcoholic condition. Hot infusions (10% dextr-solution, physiolog. Table salt-solution, tutofusin, physiolog.

(Bile salt-solution with penicillin) were successful only for a time."

Now, General, if you had read that, wouldn't it have been perfectly clear that these were experiments?

A. Today, of course, after this whole question had been exposed to light, I should; but at that time I never suspected the possibility from this report that these were a special group of human being experiments. I can say that here under oath; and I should like to reiterate it. That was my attitude toward the matter at that time and it has only been changed by what I have discovered.

here.

Q. I might also point out to you that Wanninger's content expressly speaks of Kolzleschner's experiments repeatedly; but I assume that that also made no impression on you?

A. I can say one thing to that. My colleague, also the medical inspectors in my office at that time in Italy, did not have any notion either that human experiments were the basis for these reports. Never was one single word said about such things in the occasions of my inspection visits. Of course, during my visits to the editors now such subjects were brought up; we never had any indication that these reports were the result of long series of experiments on human beings. In other words, others, too, did not see so clearly as it is being pointed out here that there were human beings experimented on, and you did not mention in the air force at all about these experiments, although there had been a large section of Germany in Vienna, with considerable content there about these experiments. Kolzleschner has been quite a lecture before all the committee sessions, at least those who attended the lectures on internal medicine there in Vienna. You never have mentioned reports there on these experiments. You never learned by rumors in the air force about these things; is that right?

A. No.

Q. You never talked to Finke about these experiments, did you?

A. I have often, as I said, seen Finke.

Q. And I think you have already mentioned on your examination that Finke only experimented on animals. That statement of his is just based on what he told you; isn't it?

A. Yes.

Q. Since you don't know anything really about Kalischnur's doctor's, and Finke's experiments, you can't swear to this phenomenon that Hitler wasn't in Berlin working with them, can you?

A. These things happened long before my time. I can only state what one might have been as I had nothing to do with it officially.

Q. Well, I repeat then, you can't state that Hitler didn't in fact engage in that Kaschler, Kalischnur, and Finke, can you?

A. Only from the reports of the individuals that the gentlemen gave me. I had nothing to do with it officially. I can only base my testimony on reports that these gentlemen in question, Doctor-Lawyers, or Doctors or scientists gave to me.

Q. Well, you never talked to Hitler about Kalischnur's experiments, did you?

A. No. Being our superiorment, yes, but not at this time.

Q. In the official military report which you saw, did you know that Hitler was there?

A. Yes.

Q. Did you read the report on the meeting of the constituting assembly on May, 1945?

A. I don't remember. I didn't have anyone. I do not recall the report as such, though I may have had it in my hands.

Q. Do you know the translation into German of the Nuremberg in 1941 did you have any of them?

A. No. The interpreter chief of the Medical Inspection, Prof. Gerhard von Berlin. Then Morell, my adviser at my floor. Then there was Prof. Hohenbergerit, in my floor first, Prof. Ehler, Prof. Morell, and a few others. Prof. Morell Dr. I. Inspection Medical Inspection the first, the second, the third floor, and so on.

Q. I assume some of these gentlemen attended this meeting of physicians in May, 1943, don't you?

A. Well, they must certainly have been there, yes.

Q. But none of them ever reported anything about this meeting to you?

A. Professor Buerkel De La Camp probably came as an adviser because he was my adviser at the fleet and I must assume that he was there by he never told me anything of these sulfonalimide experiments. They could not have made any impression on him. Otherwise, he would have reported on them.

Q. You mean that your consulting surgeon with air fleet No. 2 went to this meeting, is that right?

A. I believe that must be true, because I took every occasion possible to send him to such meetings or conferences.

Q. He was your representative there?

A. Not my representative, but as consulting surgeon he was present at consulting conferences when various air or army physicians got together in conferences in the interest of science and for their own specific work they received indications of what to do at these conferences.

Q. Well when he came back to air fleet No. 2 of which you were flight physician, it was his duty to report to you about what went on at these meetings, wasn't it?

A. Of course, he told me regarding the conference what seemed important to him personally.

Q. Now, let's move on to something, Gen Ent, do you remember Document No. 185, which is Prosecution Exhibit 194, that is a letter from Hanson to Gutzeit. Herr Ho says:

"My dear Coll Hans Gutzeit:

May thanks for your letter of June 24, 1944. I am glad that Herr Ohom will come here on 25 July. We shall then review all concern hopefully [illegible] and perhaps also set up the experiments together.

"I can not at present definitely answer your inquiry about [illegible]. [illegible] now, I [illegible] with Herr Kolk, Herr Gutzeit and Herr Schwarzwart. Naturally, I have already arranged with Herr Kolk [illegible]

undertake that type of experiment with our material. I must therefore first determine the point of view of the others concerned.

"I shall be very glad to begin work on the hepatitis material from your laboratory." Signed Sauerbruch.

Tell the Tribunal who Koch was, will you?

A. Kalk you mean, not Koch. Kalk was consultant with me and a particular expert on the hepatitis question.

Q. He was a Luftwaffe doctor, wasn't he?

A. Yes, he was.

Q. And Buchner?

A. Buchner was consulting pathologist of the Luftwaffe.

Q. And Buchwardt?

A. Buchwardt was consulting surgeon for air fleet No. 3 in the West.

Q. And, of course, Ramon himself, was a Luftwaffe man, wasn't he?

A. Yes.

Q. So you had all four sets of the Luftwaffe doctors, and as you said there in the letter they were arranging to undertake experiments on human bodies, wasn't not?

A. No.

Q. Well, what is your explanation of the letter then, Gen Gill?

A. First, as I said yesterday, it is not a question of who belonged to the Luftwaffe, rather Brandt and for this hepatitis job collected men around him who could advise him in this field. There was Gutzeit from the army, the pathologist, Domagk, from the army, and then from our authority those who were experienced in the hepatitis question; in pathology Professor Buchner, and also as it happened from our authority a man who knew a great deal about hepatitis, namely, Kalk. These gentlemen who were not chosen according to their belonging to a branch of the army, but according to their knowledge and experience in the field of hepatitis research, they had for a working community for this work. Professor Gutzeit has already told the Court about this and this had nothing to do with different individual members of the Wehrmacht, but with the research of the hepatitis question.

Q. Well, General, you haven't answered my question. I can only draw a conclusion from this letter that at a minimum these four Luftwaffe men were preparing to make experiments on human beings with jaundice. Now you have indicated a contrary view, but I am asking you to explain the language in here, such as "I cannot at present definitely answer your inquiry about human experiments." And then: "Naturally, I have already arranged with Herr Kolk that we shall undertake that type of experiments," referring to human experiments, "with our material." Now what is your explanation for those words unless it means what is says, that they were getting ready to experiment on human beings with jaundice, these four Luftwaffe men?

A. First, I can only base my statements on the document because this whole business was not something which was communicated to us by the Luftwaffe. It can be seen from the document that the hepatitis research was assigned by the research institute. It was not under control of the Luftwaffe. If I can return to my previous questioning I shall repeat that a vicious circle was built with no regard to authorship in the individual Luftwaffe branches. In the affidavits that have been submitted in the case but it has to be ascertained that neither Buchner nor Kolk made any preparations for human experiments or intended to carry such out.

Q. Now, General, I can appreciate you have some difficulty with the question I put to you, but let's keep going along the line of your responsibility, what these men did, which I understand you deny or refuse to accept. I am also not interested in what Kolk and Buchner have to say in their affidavits. I am just interested in this one letter, and I am asking you if it is not true that the only conclusion which can be drawn from this letter on it's face is that these men were preparing experiments on human beings with jaundice.

A. No, you cannot draw that conclusion because it says there the question put to Gutzeit regarding human experiments cannot at this time be answered. In other words, they were simply under consideration or discussion of the problem, but there was no decision to carry out these experiments on human beings.

Q. We can agree then at least that they were considering the matter, isn't that right, General?

A. That is true, yes.

Q. Look at the next letter, one page beyond, General, that is Document No. 126, Prosecution Exhibit No. 135, and this is a letter from Sievers to his collaborator Oberstarzt Professor Dr. Wolk, with the Chief of the Luftwaffe Medical Service, Schlow:

"Dear Herr Wolk:

In the enclosure I send you a copy of a letter from Gutzeit and my reply. I must proceed as soon as possible with the experiments on human beings. These experiments, of course, should be carried out in Strassburg or in its vicinity."

And I might say parenthetically, General, they could get their subjects from Natzweiler, which was so close to Strassburg, and it goes on:

"Could you in your official position take the necessary steps to procure required experimental subjects? I don't know what sort of subjects Gutzeit has at his disposal, whether they are a Jew or other people."

Signed, Sievers.

Now, General, doesn't this letter indicate they had a fixed intention to carry out experiments on human beings, under subordinate Wolk, Ruff, Rudorfer and Beckner, isn't that right, General?

A. No, it simply sets forth that Sievers had the intention, but there is no word saying that Beckner or Wolk concurred in it. It is only Sievers's point of view, and he referred to the fact that Gutzeit is thinking along such and such lines.

Q. Well, General, I put it to you that this jaundice was a very [illegible] matter, and I also want to call your attention to the date, that is June 27, 1944, and that was July, let's see, seventeen days after your letter to Himmler asking him for experimental subjects at Dachau?

A. That has nothing to do with this, that is altogether an irrelevant-

lecture you are drawing. This thing was never in my hands. It was not trusted to me. Bunch never received a commission to carry out here this research from us. With that combination naturally you can do everything.

Q. General, you are the man jumping at conclusions. I was suggesting to you or about to suggest to you that since this was only a couple of weeks after you had written Winter, Bolk could undoubtedly not have had any objection to carrying out such experiments himself since he had been in the Luftwaffe was he ordered to carry out such experiments, isn't that possible?

A No. Kalk didn't know anything about the sea water experiments - had nothing to do with them - and was also not part of my office. It was sent to Sarlom because his house had been bombed out and mail went through so we could forward it.

Q Now, you have indicated that Haagen and Kalk and Zuckschwerdt and Ruschmer, in so far as they worked on hepatitis, had received their orders from - what agency did you say?

A Neither Kalk nor Ruschmer - these were two letters that overlapped. Haagen received no orders but rather did research from the Reich Research Institute. This has nothing to do with the Luftwaffe - like that in the Hygienic Institute. And, as I said yesterday, consulting doctors were civilians and were subordinate only to the ministry. Ruschmer was the consulting pathologist for the Luftwaffe and carried out the experiments for the Luftwaffe that fell to him. He had various work groups. There was one that concerned itself with pathology and hepatitis work. The liver specimens were examined there. He concerned himself only with the hepatitis state of affairs in the Luftwaffe hospitals. It was in special cases of certain hospital statistics in which certain cases of hepatitis were recorded. A report of this came to found in the document book. Those two were entirely separated things.

Q Now, Haagen's subject to the orders of the Luftwaffe, wasn't he?

A As consulting specialist only - in that capacity he was other.

Q Now, General, I can understand that the Reich Research Council could give funds to Haagen to carry out a certain experimental work, as you yourself has told us, but the Research Council couldn't issue orders to Haagen or anyone else. They just furnished funds to enable him to do the thing. Now, sir, is this subject to your opinion?

A No. In this capacity he was only in his capacity as consulting specialist - not in the capacity as Director of Chemistry.

Q Well, suppose he spent all his time doing research work for the Reich Research Council. Are you not important in that situation

[illegible] can you send down an order and say "Gentlemen, drop your work in the [illegible] Research Council."

A. No, I could never have done such a thing because he was not [illegible] to be an Institute Director. I had no influence over him. I did not have done such a thing.

Q. Well, I am a little confused about this. You seem to say that although he was an officer in the Luftwaffe that really you couldn't order him to do anything he didn't want to do, that he could be an officer in the Luftwaffe but he could spend all his time working for the German Research Council and carrying out his duties with the University of Strassburg. He didn't have to do anything for the Luftwaffe, is that right?

A. I testified yesterday and I believe testified in the Ansel affair regarding consulting doctors, that in eight certain circumstances. It was often necessary for the consultant [illegible] to be retained for their work in the civilian sector. If [illegible] the great demands of [illegible] in the [illegible] then they were [illegible], that is, indispensable. And, in order [illegible] that work, as I said, [illegible] civilian activity [illegible] - teachers or [illegible], or [illegible] the great demands [illegible] the part of the [illegible]. As I have also said the supervisors were [illegible] to the Ideal [illegible] in their capacity as supervisors and not to be [illegible] in other fields in which [illegible] did not do. This is true of [illegible] people - Kaufmann, for example, who was [illegible] Institute director and [illegible] Lockemann who had [illegible] supervisor.

Q. And you don't think it [illegible] the [illegible] of providing capital for laboratories and [illegible] of the Kaiser Wilhelm - to be, [illegible] research [illegible]. [illegible] from [illegible] Council [illegible] you [illegible]

A. No. And, the document here clearly proves that his reports were sent to the Reich Research Council and not to us. The distribution is to be seen there - the place to which Haagen sent his reports. And, you believe me about that - that his reports did not come to us. They were top secret and there is no reason they should have been shown to us. Matters that concerned the Wehrmacht are discussed in these reports, as in the case of the hepatitis research. Thus, a solution how to present hepatitis could have been clearly seen in the reports. However, since this did not exist there was

no need to show us these reports.

Q Who was the President of the Reich Research Council, witness?

A I don't know. I know who the acting president was, that was Hanzel. Reich Marshal Goering was the President. My office had nothing to do with that. I don't remember.

Q Well, you mentioned his name - it was the Reich Marshal Goering. Tell the Tribunal what Goering —

A Yes. I heard it here.

Q Tell the Tribunal what Goering's position with the Luftwaffe was?

A The High Commissioner of the Luftwaffe - Commander in Chief of the Luftwaffe.

Q Now, tell us all you know, General, about the experiments of Haagen with typhus vaccine in the years 44-45?

A It can be said in one word - nothing.

Q Well, you knew he was doing some work with typhus vaccine, don't you?

A I knew that he had a typhus vaccine but I had no information what he was working on at that time.

Q Why I thought you had already testified that you knew he was in the business of producing typhus vaccine, didn't you?

A Yes I did. And it could be seen from the commission for the research that he had been commissioned to produce typhus vaccine. That the total extent of my knowledge of this matter.

Q Do you know how much he produced? How many liters he produced down there?

A No.

Q Now, General, you know as a matter of fact that really his commission was to develop a good typhus vaccine through experimental studies so that production could be instituted. You very well know that Haagen down there producing typhus vaccine on any scale, you know that, don't

A No. I didn't know the details as I have already testified in 1 I had much more to do than concern myself with these matters that were unimportant to my real field of work. There were decidedly different t for me and worked day and night to concern myself with although these matters were interesting and important they belong in the academic room not in the actual office carrying on my business.

Q You left these matters up to Rose, didn't you, doctor?

A Rose and

Q Will you tell me again when you visited Hangen in 1944?

A About the 23 of May 1944 when I returned via Strassburg from France on an official trip and went to Berlin. I interrupted my trip in Strassburg to visit Zuckschwerdt who was director of the University Clin and to see experiments that he was carrying on and that was the total ext and reason for my visit in Strassburg. My time was limited by the fact th the train was five to six hours late and I arrived not early in the mor but at noon and had to go on there immediately. It was important to me, since the question of surgical care was very pressing to us in the last thes weeks, to have a talk with Zuckschwerdt on this question. That is my own special field — my own special field was throat trouble. I w in to see a friend of mine in the Institute and it was so that I came t Hangen Institute and inspected the main halls of the laboratory - a tour the institute so to speak. That is the way I had a visit with Hangen.

Q And you didn't take occasion to discuss what he was doing?

A. Yes, he told me of his vaccine experiments on animals. He told me about them previously.

Q. What vaccine was he working on then? The Dry Vaccine?

A. I can't say that for sure now. This visit was very superficial, and here also I was much more concerned with other matters. I have an image in my mind of the institute, a few laboratories, the animals' cages, and the fact that the work was being carried on there, but whether it was dry vaccine or some other vaccine I don't remember any more today.

Q. Was Rose with you?

A. No, my adjutant, Agustinick, was with me and he can state his own opinion about this matter himself.

Q. Do you know whether your office received any typhus reports from Haagen?

A. A report that is among the documents here I received in which Haagen speaks of the production of vaccine, mainly vaccines from chicken embryos. How the question was discussed from a technical point of view I don't believe I have to discuss.

Q. Now, isn't it true that these problems were under the supervision of a central agency in Germany?

A. I don't understand what you mean.

Q. Well, let me put to you part of your interrogation of the 2nd of October. You were asked this question: "Did Handloser, Rostock and Karl Brandt know that the Luftwaffe had given such orders to Professor Haagen; that Professor Haagen was working on such matters." Your answer: "Well, I can only say that such orders had already been given earlier. The questions on spotted fever were questions in which the Reich Marshall was interested and these matters were not organized by us. They were distributed by the central authority and then one person would get one section and the other would get another and Haagen got that special section." Question: "Did Doctors Brandt, Handloser and Rostock

know about the experiments?" Answer: "That was before my time. I believe that they know about it. I believe that the orders were distributed by the central office from Brandt to Handloser to the Wehrmacht and to the Luftwaffe; that they were all agreed that they had to work up this section and then said: 'Well, Hagen will undertake this matter'."

Q. This is taken from an interrogation but I don't know what you are talking about - about the production of vaccine. The production of vaccine was arranged before my time in such a way that the various branches took care of the production of it and delivered it. In this way there could be a supervision of the amount of vaccine available and how much was being produced.

Q. Well, if I understand the interrogation, you are saying that the central agency controlling typhus production matters was Brandt and Handloser and, later on, Hirt . Isn't that right?

A. No. Handloser did the distributing. It was probably worked out in this way - that Brandt was informed so that he would be in the picture.

Q. General, I want to put a document to you. It's already in the record. This is Document No. 122, Prosecution Exhibit 298. This is a letter from Rose, for whose activities you have assumed responsibility, and it's sent to Hagen. I just want to try to gain an admission from you that the Luftwaffe was implicated in the typhus experiments carried on by Hagen and that your office, and in particularly Rose, very well knew what Hagen was doing. And Rose says in this letter: "Many thanks for your letter of 12 August. I regard it as unnecessary to make renewed special request to the SS Main Office in addition to the request you have already made." And, General, I'll remind you parenthetically that we have three requests by Hagen which were sent first to Hirt and then Hirt requested prisoners to be made available to Hagen. Now, you say: "I request that in procuring persons for

vaccination in your experiment you requisition a corresponding number of persons for vaccination with the Copenhagen vaccine. This has the advantage, as also appeared in the Buchenwald experiments, that the testing of various vaccines simultaneously gives a clearer idea of their value than the testing of one vaccine alone." Dictated by Professor Ding and apparently signed by his adjutant.

A. Please look at the heading - upper right - 13 December 1943. At that time I was not Inspector and I am not acquainted with these experiments.

Q. Well, but General, don't you think you are cutting that a little close? After all from December 1943 you went into office the 1st of January, 1944 and Hanson, as I shall show you in a moment, was very well carrying out experiments in 1944. As a matter of fact, they were carried out before you took your visit in May, 1944. Now, doesn't this letter indicate that Kaue and the Luftwaffe knew what Hanson was doing?

A. Please ask Kaue about that personally. I am not informed about this. I don't know anything about it. I am testifying here under oath that as I don't remember.

Q. General, I just want to point out to you that this Copenhagen vaccine, which he mentions in a re, is the one which he sent on to Buchenwald to have them test it too. This was in 1944 after you were in office.

A. I heard that here during the trial. I didn't know about it previously and I again ask you to ask Kaue about this. I can say nothing about this. I heard it here only during the trial.

Q. Whether you knew about it or not, you have to assume responsibility for what he did after you took office.

A. No, I can't take over responsibility for things I know nothing about - only for things that I know about.

Q. Well, but General, that limits your responsibility rather closely. You are a very busy man. You can't be informed about all

these little minor matters like experimenting on human beings. I thought you had testified earlier that you were prepared to accept responsibility for what Rose did as a member of the Luftwaffe. Do I now understand that you refuse to accept responsibility for anything he did except those matters about which you knew?

A. I can only bear the responsibility for things that were directly connected with my work. It is erroneous to say "such minor matters as human experiments." At my opinion it is very serious. I think I can only take the responsibility if I know what's going on.

Q. Or if you should have known what was going on? How about that, General?

A. If I had found out that experiments were being carried out on human beings, such as they are being described here, with vaccinations and in a form that I recognize, then I also would have known how to take measures against that.

Q. General, do you admit that, on the basis of the evidence here presented, Hirsch carried out artificial infection experiments to test his typhus vaccines in the year 1944?

A. There is no proof of that at all. In the matter of typhus vaccine there is no proof whatsoever.

Q. I now show you Document No. 127, that is Prosecution Exhibit 215. This is another letter from Hagen to Hirt, dated 25 June 1944. The second paragraph reads: "However, in the subsequent innoculations with virulent spotted fever which are to be made for the purpose of testing the protective vaccine, one must count on sickness particularly in the control group which has not received the protective vaccine. These after-innoculations are desirable in order to establish unequivocally the effectiveness of the protective vaccines. This time 150 persons will be used for the protective vaccine and 50 for the control innoculations." What's your comment on that? General, doesn't that show he was quite ready to carry out artificial infection experiments in the year 1944 when you were Chief?

A Yes, but not under my commission. That I can say. We knew nothi about this. I repeat that again and again. If it had been known I should have had opportunity to adopt an attitude on this matter and to take measures against it. Moreover, this letter says ... let me find the place ... it does not say at all that inoculations were carried out. It says, "in supplementation of my report I inform you that in the inoculations themselves there will not be a very long period of reaction or so long a period of reaction as previously observed." It says, in other words, that a vaccine ready and that it has been tried to a small extent, mainly in the instit (that is the regular practice in the case of new vaccines that they are tested.) Further, that there was no serious reaction -- the people didn even miss a day's work. Then it says further that the infections that or to be carried out later, to test this vaccine, etc. -- these subsequent infections are necessary in order to test the effectiveness of the dry vaccine; and to ascertain if the protective vaccine will be tried out on 150 persons and the other vaccines on 50 persons. Let me also point out t the vaccines are being tried out only people whose physical condition is similar to that of corresponding Rohrwacht soldiers. In other words, this is not an experiment that was actually carried out but is simply a propos that Hanson is making and when I note the date of this letter, the 27 of June, 1944, I can see that this proposal never became a reality because in the next month the war events took such a turn as to make such experiments impossible. It was a proposal that Hanson made to Professor Hirt which never came to the attention of my office. It was a proposal that was made month after I visited Hanson. In other words, these are matters of which I could know nothing and for which I can, therefore, not be held in any way responsible. That was outside my comprehension. Had I seen this proposal I should not have approved it in this form.

THE PRESIDENT: The tribunal will now be in recess.

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: Now, General, let us try to reach some agreement about this Document No.127, Prosecution Exhibit 316. Is it not true that the paragraph of this letter from Professor Haagen very clearly proves that Haagen was planning to make artificial infection experiments to test the effectiveness of this dried vaccine for typhus?

THE WITNESS: He had the plan from Rose for typhus vaccine experiments and typhus injections, but he did not plead for them to be fatal and it says nothing about that here; he says fever sickness was to be expected.

DR. RENZ FRITZ: (Defense Counsel for the Defendant Rose): Mr. President, a great deal of time has been spent in this trial concerning the correct change of professor [illegible] to establish what he was doing at the University of Strassburg or in the concentration camp at Natzweiler. For this purpose these letters have been shown, in part, to prove that the experiments on hepatitis or typhus were made. No doubt, the prosecution will try to prove that Professor Haagen is in Baden-Baden in French district and his assistant, Miss Grodzi is in Paris. I do not understand why the prosecution does not call these two persons as witnesses, for in that way the letters could be explained quickly. I would be glad if the prosecution would explain why they do not call these two people as witnesses.

MR. McHANEY: I think the reason is quite perfectly obvious. Both people you have named are in custody subject to the judgment of the prosecution. At least, we clearly implied in the experiments on human beings, which resulted in the death of quite a number of subjects, which has been treated in this trial, that [illegible] Robert who worked at Strassburg in a position to know [illegible] responsible for the [illegible]. Obviously the prosecution is under no obligation to call him and we would [illegible]. It is not to be expected that Professor Haagen, under the circumstances, would give the statement that he carried out a single [illegible] experiment on human beings without their consent. A person who [illegible] exactly the opposite to the same is treated as respon-

to his assistant, Miss Crodel. If these witnesses are to be called, it is certainly open to any defense counsel to put in a request. I think some of them have already done so with respect to Miss Crodel. It is perfectly obvious that they are not possible prosecution witnesses.

THE PRESIDENT: Neither the prosecution or the defense are obligated to call witnesses save those they desire to put on the stand. The witness Crodel has been asked for by several defendants. [illegible] to the other defense counsel's [illegible] Mr. Hardy, I do not remember [illegible] anyone [illegible] if they desire his attendance. [illegible] is [illegible] but [illegible] proceed [illegible] order.

MR. McHANEY:

Q. General, [illegible] Document No. 1[illegible] which [illegible] introduced as prosecution exhibit 307. If you will observe, General, this is a [illegible] Academy of the [illegible] 6 and 7 July, 1944 [illegible] with Miss Crodel [illegible] typhus vaccine. [illegible] in part as follows: "There are no objections against the continuation of the experiments." [illegible] "However [illegible] to the [illegible] and [illegible] the [illegible] difficult [illegible] to [illegible]."

[illegible] General, this [illegible] to you, was it not?

A. Yes.

Q. [illegible] this memorandum [illegible]?

A. It is signed by the [illegible] of the [illegible] and [illegible]. [illegible]. Secondly, [illegible] been written [illegible] the [illegible].

to [illegible] of the Luftwaffe and in turn [illegible] the Instruction Group, Science and [illegible] the Medical Academy [illegible] responsibility of all scientific matters in [illegible] writings were [illegible] of the Luftwaffe they [illegible] my [illegible] war purposes [illegible] not to publish the [illegible] work [illegible] through. I [illegible] it did not [illegible] to [illegible] [illegible] only [illegible] the [illegible] [illegible] but we have established contact [illegible] and [illegible] approved the work [illegible] and [illegible] [illegible] said "no". As said [illegible] not approved my work, [illegible] [illegible] not [illegible] [illegible] "[illegible] I'd [illegible] such such [illegible]. This is all I can say [illegible], but it was not my duty [illegible] all this work [illegible] there was [illegible].

.. Did [illegible] Council, [illegible] report [illegible] concerning the experiments with [illegible] vacuum; who is [illegible]?

.. I cannot say, I do not know the [illegible] of this report and I do not [illegible] it here. [illegible] vacuum, I can [illegible] this from the [illegible] which says [illegible] typical vacuum [illegible] from [illegible] top, but it does [illegible] kind of [illegible] [illegible].

.. [illegible] while this is [illegible], [illegible], I want to [illegible] [illegible] [illegible] results [illegible] the [illegible] results, [illegible], I am inclined to interpret this [illegible] they tended to anti-[illegible] [illegible] of this [illegible] by [illegible] experiments [illegible] [illegible] authority [illegible] high [illegible] [illegible] to be [illegible] to [illegible] right?

.. There [illegible] answer [illegible] report. Diagram 1 [illegible] [illegible] tentatively [illegible] vacuum-results concerning [illegible] [illegible] the result [illegible] [illegible]. Later [illegible] [illegible] made in the case of [illegible] as well as [illegible] below. [illegible] difficult [illegible] [illegible], that is [illegible].

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Chart I

Q. I would [illegible] you a question with respect to the last sentence, where it says, "In breaking spotted fever or typhus [illegible] with regard to [illegible] the presentation of [illegible] vaccination-results is made by [illegible] curve for the fever-curve [illegible] all experimental subjects on one side and [illegible] the control persons [illegible] other side."

Now, this reference to other [illegible] is [illegible] me. If [illegible] were to apply a probability tests of [illegible] or other simple tests to [illegible] the results [illegible] the percent [illegible] typhus vaccination, [illegible] the [illegible] are small only.

A. I [illegible], please [illegible] Dr. [illegible] is [illegible]. He is [illegible] experimental [illegible] the form of [illegible]. Such possibilities [illegible] I actually [illegible] specialists, I encourage himself [illegible] certainly [illegible] report himself [illegible] of [illegible] I [illegible] it. He can certainly [illegible] which I prompt.

Q I am sure he probably has a very good answer, General. Now we come to document 131, which Prosecution Exhibit 309. This is a memorandum dated 29 August 1944, from your office, the Chief of the Medical Service of the Luftwaffe, and it is signed by your Chief of Staff, Kank. It is directed first to Hagen; second, to the Science and Research Group of the Medical Academy of the Luftwaffe. Would that second notation there be referring to Rose? Would he receive this memorandum in the normal course of events?

A This regulation? You mean this letter, or what?

Q Yes.

A Yes, Rose received it. It says at the top, "Training Group, Science and Research." The consulting physicians were gathered there, and since it was a hygiene assignment, it was no doubt given to him for his knowledge. But I may point out number 1. It says:

"The research dealing with the dry spotted fever vaccine from vitelline sac cultures are to be continued. Therefore the 4,000 Reichsmarks are being placed at your disposal."

One can clearly see what the contents of the assignment from 1940 given by my predecessor were. This supplements the report which is in the files here, where Hagen spoke of those vitelline sac cultures and the procedure of the Behring works. I believe that without difficulty one can conclude here that the assignment which we gave Hagen was to the effect that this chicken egg process, which was developed in Frankfurt on the M by Otto, was to be worked out from the point of view of production, that was to start up a large-scale production of vaccine. Number 2 of this letter also shows that —

Q (Interposing) Just a minute, General. Suppose you answer my questions instead of explaining the document; we will come to that in a moment.

I want to know to whom number 3 refers here. That is, the memorandum was sent to three places: First, Hagen; second, the Science and Research Group of the Medical Academy of the Luftwaffe, and you say Rose would probably have received that; and number three says, "Chief of the Medical Service

of the Luftwaffe", and then follows some sort of code designation, I sup
To whom was this sent under the designation three?

A That went to an administrative official in my office. He was in
charge of the budget; he was authorized to assign these 4,000 marks to th
University of Strassburg. This amount of 4,000 marks had to be given to
Haagen's agency in some way. The budget experts took this sum from the
funds at my disposal and sent it to the University of Strassburg, to th
treasury of the University of Strassburg. From this sum Haagen was able
pay the expenses for getting the chicken eggs, for paying the workers, an
so forth. In addition, the treasury of the University of Strassburg kept
books on this.

Q I think that is sufficient, General.

Now number 1, as you have already pointed out, indicates that y
continued to support Haagen's work with this dry typhus vaccine, doesn't

A Yes.

Q And that is the same dry typhus vaccine which, in June 1944, h
stated he was getting ready to test with artificial infection experiments
isn't it?

A That was not contained in our assignment.

Q Now then, under 2 it says, "A decision as to the establishment
a vaccine manufacturing plant cannot yet be made because the chief of th
Medical Services of the Wehrmacht, who alone is competent to decide upon
procurement of vaccines, has not yet taken a stand in this matter."

Now this indicates two things, doesn't it, General? First, that
Professor had complete control over typhus production; and secondly, tha
Haagen had not started producing yet? Isn't that right?

A That is right.

Q Number 3 in this memorandum reads: "Please advise whether it
is assured that the typhus epidemic prevailing at Natzweiler at present
connected with the vaccine research."

Now, General, I suggest to you that that means that your chief o
staff, Kant, very well knew that Haagen had been

experimenting in Natzweiler with artificial infection experiments, and he was asking him if the experiments hadn't gotten out of hand and led to an epidemic there. Isn't that what it says, General?

A. One cannot absolutely conclude that.

Q. One has to strain to draw any other conclusion, doesn't one, General?

A. This is based on knowledge which Rose had; I cannot say. Besides, it corresponds to the facts, since witnesses have testified here that in Natzweiler there was typhus epidemic which had been brought in from outside, and Rose later reported this to us. But from this I do not see, and I assume that my chief did not know it either -- this does not say anywhere about a concentration camp, it says "Natzweiler". One can assume just as well -- which I no doubt read at the time and would still read today-- that it was one of the labor camps, many of which existed during the war. That can be concluded, moreover, from number 4, that this opinion prevailed, because it is pointed out that information about typhus epidemics is to be kept secret. This corresponds to a military regulation that information about such events, typhus cases in military installations, are to be kept in secret centers. That is what I read from it.

Q. General, your reference to paragraph 4 here, I put to you, is just a little bit childish. It reads:

"The report of 21 June 1944" -- which obviously is a report by Rose sent in to the Luftwaffe -- "The report of 21 June 1944 in which the investigations at Natzweiler are mentioned should have been sent as secret. In the future this procedure is to be followed."

I interpret that to mean, General, that Rose was holding Himmler that with these artificial infection experiments on concentration camp inmates at Natzweiler he should send in only secret reports.

A. I can only repeat what I have already said before, that I do not know this matter. This correspondence took place at a time when I was on a business trip in Italy, and my chief and my representative

at the time took care of it. The funds were assigned; that was his authority. I received no knowledge of it later, and here, in September or October, it was shown to me. Everything that I say about it I only construct from the words which are before me in the report. The only one who might be able to say anything about those matters would be Rose, who is surely acquainted with the background of this report.

Q. But, General --

A (Interposing) And Becker-Freysing cannot be called upon here, in spite of the number at the top, "53", because this is a hygienic report on typhus, which he dealt with only in the course of business but which, from a medical point of view or from a technical point of view, was handled by the Hygiene Section, or with the aid of Rose.

What I say here is purely a construction from these statements given in those reports.

Q. General, was Rudolph's research assignment by the Luftwaffe classified as secret?

A. No, it was issued at an earlier date in 1941 or 1942. It was not issued by me; it was before my time. As I said yesterday, in the case of such research assignments which could not be completed in one fiscal year by virtue of their contents, funds were designed only to the amount that would be needed in the current fiscal year. When they had been used up, then new funds were assigned in the next fiscal year. In the course of assigning these new funds, this secret meant was lapsed. That is the reason why I had no knowledge of this letter. The assignment of funds is a very assignment, especially if it was on a large scale or very important, I had reserved for myself. The assignment of funds as an allocation, or the renewing of existing assignments, I had turned over to my chief of staff. This is only a matter of a business dealing with a current matter which did not require my decision, and I didn't even my source from the office on official business to delay such assignment.

My chief of staff was the only person in the office, aside from me, who could dispose of money in any large amount. I didn't want my channel --

Q. (Interposing) General, all I asked you was whether his assignment by the Inftaffs was secret. I don't think we need to get a long speech about this. Your answer is that it was not secret; isn't that correct?

A. No, the documents show that it was open.

Q. And what conclusion do you draw about that fact that it was not secret; that therefore it couldn't have had anything to do with experiments on human beings?

A. It was production assigned for Opera Vaccine. It was an attempt to develop laboratory products on such a scale that it would lend to large scale production. Now we get a letter to the Board of [illegible].

Q. Well, will you [illegible] a national [illegible] drug [illegible] conclusion if it were, in fact, [illegible]?

A. I don't know. I don't [illegible] that. I [illegible] did [illegible] many human experiments in the [illegible] in which they [illegible] not.

Q. Well, let's have a look [illegible] 93b, and [illegible] will [illegible] to conclude that [illegible] really [illegible] misgivings, General.

This is Document No 93b. It is [illegible] as Prosecution Exhibit 450 [illegible] identification.

Now, General, let's tell the Court what this document is first.

A. It is a list of medical [illegible] of the OKW, Chief of the [illegible] Service of the Luftwaffe, Berlin, [illegible] Berlin, [illegible] and so forth.

Q. That is a list, is the [illegible] stamp, of the medical research [illegible] under my office and the [illegible] in charge of [illegible] during the year 1944—I don't [illegible] if that should [illegible] in at this time. It was in fact 1944.

Now, it is found to be [illegible], first —

A. Yes, that is shown [illegible] is my [illegible], Chief of the Medical Service." That shows that in [illegible] my title was changed from [illegible] Chief only in 1944.

Q. And it also has a note [illegible], Stabsarzt Dr. [illegible],

[illegible]?

A. Yes.

Q. Now, let's turn to page 6 of the original [illegible]. It is [illegible] English translation, [illegible] "[illegible]", [illegible] Number VI, [illegible] it [illegible] page 6 of [illegible].

A. [illegible] of the [illegible].

Do you find that?

A Yes.

Q Typhus. Point 4. "The manufacture of typhus vaccine. Secret. Hygiene Institute, Strassbourg, Chief: [illegible] Dr. [illegible]."

A It, as well as the next one, "Manufacture of [illegible]", is a contradiction. In the [illegible] list they are given as open.

Q The only other list is the [illegible] letter by [illegible] to the [illegible] of the University of Strassburg, as I recall.

A Yes. There they are [illegible] as open, and [illegible] they are [illegible] secret. Perhaps [illegible] could explain that, because [illegible] being [illegible] as any [illegible] a discrepancy. In any case, [illegible] high degree of secrecy. [illegible] "Secret", not "Top Secret". [illegible] the list is "Top Secret".

Q Well, it might, I suppose, suggest a possibility that it was [illegible] "Secret" because [illegible] in the [illegible] in which [illegible] "Secret", he started his [illegible] through the year [illegible] in 1944 made [illegible] "Secret". [illegible] possibility, isn't it, Doctor?

A No, I don't believe so, [illegible] in August 1944 [illegible] are just discussing [illegible] letter. [illegible] of this [illegible] vaccine [illegible] of 29 August 1944 was an open letter. [illegible] "Secret".

Q Well, I may again your [illegible] of Staff [illegible] in his letter to [illegible] asked him to keep the [illegible] secret, didn't he?

A That was about [illegible]. That is something else.

Q "Investigations of [illegible]" is what it says, Doctor.

A I don't know the reason. I can't say.

Q Let's move on [illegible].

A The [illegible] is not [illegible] either.

Q Let's [illegible], Doctor.

A Very well.

Q When did you first become interested in the Schaefer process, as against the Berka process, of making sea water drinkable?

A As I said yesterday, at the beginning of May 1944, when Professor Strughold [illegible] for the first [illegible] of this solution of the sea water problem by Schaefer.

Q What [illegible] experiments had been conducted prior to that time [illegible] Berka method?

A I don't know the [illegible].

Q You testified that, [illegible] the experiments on human [illegible] carried out in a hospital [illegible], and you received [illegible] of the commander of that hospital [illegible] June 1944, because you [illegible] quite remarkably that his [illegible]?

A Yes.

Q Did you--

A Of course, I would not know the [illegible] as well.

Q You say you also [illegible] at this time to see if [illegible] available. [illegible], when did [illegible] contact with the Medical [illegible] this place.

A I had no connection with the [illegible] Army in France, but [illegible] the days of May I [illegible] on the 25th or 26th, I [illegible] exactly, but [illegible] place. I [illegible] it, that these experiments were [illegible]. Then I [illegible], first, [illegible]. Presumably that was on the [illegible], 29th, or 31st [illegible].

Q That is sufficient, Witness. [illegible] I am just interested in the [illegible] right now. [illegible]

A Yes.

Q [illegible], when Strughold brought this problem to your attention

early in May before you went on your last visit to Prague, did you not tell Becker-Freyseng to look into this matter, to find out what should be done, and to attend this meeting on 29 May 1943, where this letter was discussed?

A. That is the complete distortion of the facts. That is not how it was. In the first days of May I heard from Struckholdt of the Reichsfuhrer process through Struckholdt, and, as I have said several times, I knew not it. In the Institute Schaefer demonstrated it to me. Then I heard of the Berger process, and the next thing, the discussion on the 20th or 21st—whenever it was—that took place when I was not in Berlin, and the things were dealt with and discussed in my absence, but I should like to get the full story. This would have taken place necessarily be said my if I had been in Berlin. It was not customary and certainly not necessary for my experts to inform me of every conference which had been to attend beforehand. This would have been quite impossible. These things were settled as a rule we spoke of by the heads of the sections. I had older, sensible people there. They sent the various reports to the settlers, and then if there were any question about which they were informed, then there was still plenty of time to turn to me, and ask me how it happened here, why didn't I know of this thing, why it had taken place in the same way. When I came back, the section chief of the ar-Ministry reported to me and talked to them this question and they had developed in the meantime.

Q. General, let's look at the meeting on 29th May. This is Document NO-197, Prosecution's Exhibit [illegible]. Now, if you are aware that on [illegible] of which the [illegible] Ministry [illegible] responsibilities [illegible] Reichsfuhrer-SS [illegible], [illegible] explain to the Tribunal [illegible] the phrase [illegible] which was in the [illegible].

A. I cannot answer that. That is asking too much. This letter was sent by the technical office, by a person who was not a doctor, it was a technician. It was drawn up without the help of my office. It is a report of the meeting put down from memory and was worked out on the responsibility of the technical office. Why they sent it to the SS I don't know. I think a certain conclusion can be drawn from another document which I have seen here in the interrogations. This shows that the technical office had offered this Berber method, this Berber drug, to the SS. There is a letter in which the SS or some office of the SS is offered a sample. It is said that it is a drug which the technical office had developed in the meantime and they [illegible] introduce it, and they are sending a sample. That was sent to the SS, and so I can imagine that the person who worked out this report said that such a thing --- this is [illegible] introduced as quickly as this letter to the SS said, and [illegible] sent the SS a copy of this report. That is how I reconstruct it. I wasn't there.

Q. And you just knew no place to turn to get volunteers [illegible] when the experiments were brought up, is that right?

A. After [illegible] killed and the suggestion was made, I had no objection to accepting it.

Q. There were [illegible] in Berlin in 1944, weren't there?

A. Yes, [illegible].

Q. [illegible]

A. [illegible]

the suburbs. It was impossible for me to continue my peaceful work in Berlin at the time. [illegible] hospital, a military hospital, in Berlin. It was possible to set up there. My work could be done.

Q. Any law against experimenting [illegible] there in the [illegible]?

A. No.

Q. Isn't it a fact that you knew of these experiments [illegible] to kill [illegible] you weren't interested in volunteers, [illegible]

A. It is quite impossible. I would not [illegible] of the [illegible] if I knew [illegible] such things were even possible.

Q. Well, General, [illegible] you, [illegible] 1944, [illegible] in my [illegible] 1944, and [illegible] Becker-Freyseng [illegible] officer, [illegible] -- "Capt. Dr. Becker-Freyseng [illegible] medical [illegible] Dr. [illegible] the final conclusion [illegible] public [illegible] decision." In other words, Becker-Freyseng [illegible] experiments with [illegible] were [illegible] unrealistic [illegible] carried out [illegible] the chief of the medical service -- [illegible] General -- [illegible] convinced [illegible] [illegible] expected [illegible] [illegible] which [illegible] will result in permanent injuries to health, and, according to [illegible] opinion

of Dr. Schaefer, will finally result in death after not later than twelve days. External symptoms are to be expected, such as drainage, diarrhea, convulsions, hallucinations, and, finally, death." Now, General, as I say, I don't want to be unreasonable with you, but this report states on its face that, in your judgment, Barker, if used beyond six days, was apt to kill somebody. And I had suggested to you that under these circumstances you never had any intention of going anywhere except to Dachau; isn't that right?

A. No. First of all, this report was not written by a doctor or with the assistance of a doctor. It was written by a technician from Augsburg. When the sub-author of this is discussed, I ask you to question Dachau-Freyung-Lenk 1b, who can give more information. Second, this expression "Doctor of the medical service is convinced --" that is not synonymous with my person, according to the way in which the literature. It means the representative of the agency who was there. Third, it says after six days damage to health is to be expected. Fourth, Schaefer is not death could occur after twelve days. Against him, the clear and unambiguous instructions which I issued were to carry out the experiments only to the extent that no damage would result to health. That could be used in a way. If with the Barker drug my dear had been stored after more than six days, it would have been the duty of the nurses in charge of the experiments to break off the experiment. They would have [illegible] in the meantime, the patients in the hospital, and for the nurses to choose. I was not interested in finding out what people put sick from it. I could do that with the experiments done if I did my duties. That was my effort was to establish what can be endured, what can be tolerated, I only there [illegible] in distress or pain. It was the purpose, not to establish [illegible] and tolerance.

Q. Now, General, it seems to me to be pretty clear from this document that you addressed to experiments right there, perhaps in the next

page it says, after talking about experiments to be carried out for six days it says, in addition to these experiments, a further experiment should be conducted as follows: two persons nourished with sea water and Berkatite and as diet also the emergency sea rations. Duration of experiments, 12 days. Since, in the opinion of the Chief of the Medical Service, permanent injuries to health as well as the death of the experimental subject has to be expected, as experimental subjects such persons should be used as will be put at the disposal by the Reichsfuehrer SS.

A. I have already said that this report did not come from my office. I did not work on it. It came from the technical office. Again I ask you to question Doctor-Freyseng about it. You can see that I wanted to use the nomenclature of the hospital first, and in any case, if it was to be said that way, I never identified myself with those experiments. I did them in a different way.

Q. You never even saw this report; is that right, General?

A. I saw this report for the first time here in Nuremberg. There was no reason at the time for it to be shown to me. Doctor-Freyseng reported his opinion on these experiments. He didn't have to show me this report. He did not identify himself with these any more than I did. I heard later that he informed the technical office that there were serious mistakes and they should issue a correction. But he can speak about that himself. He is better informed than I am.

Q. Well, I was going to say, at least, you, General, that you admit -- you must admit that on the face of it, this is an outrageous document,

and if it had been sent to me concerning anybody subordinated to me, I certainly would have seen to it that it was corrected, and I certainly would have insisted that my subordinate, such as Becker-Freysing was to you, bring such a document to my attention. But that didn't happen?

A. I ask you again to question Becker-Freysing about this. He can tell you more than I can.

Q. Now under Item 2 on Page 3 of the original, General, you can see that the navy wasn't even very much interested in these sea water experiments. It suited them if they had a water that would carry a man for three days. The Luftwaffe was really pressing for these experiments for twelve days. General, do you find that? It says, "In the opinion of the navy, the results obtained at the clinical experiments are sufficient, since they are mainly interested in being able to nourish their men three to five days with the proper tablets." They didn't care anything about making any further experiments, did they, General?

A. That is like an inaccuracy. As far as I know from later discussions with Becker-Freysing, this theory, twelve days, comes from the navy, because the navy had a case of distress at sea where a Britisher was with survivors was found after twelve days. So in the Luftwaffe—in the which I continually starting with the six days and seven days was one of the largest. I think later that was one with eight days. That was the 8-day limit. This 12-day limit, to my knowledge, came from the navy. That is another inaccuracy in the document, but I come back to the 3 to 5 days I was talking about previously. If the Berger drug had proved usable for 3 to 5 days, that would still have been a success. Then we could have used the other drug a little more sparingly. We could have used it a little less. We had remaining difficulties there.

Q. General, let's look at the distribution of this document. First, it was sent to the information of the Central Experimentation and Instruction Division of the Airforce, Dort Prag. Did anyone attached to that organization at Dachau, report to you?

A. That was — Holzlöhner was only— he was at the planning office at Jonterhog, yes, but I don't believe he was there immediately at that time. That was in May. He was certainly not there. He was in Kiel, holding lectures.

Q. Look at the Institute for Aviation Medicine, DVL, Berlin, Adlershof, which was troubling Dr. Sauter the other day—

A. I explained that yesterday. That is certainly a mistake. The Ruff Institute had nothing whatever to do with this matter.

Q. General — General, it is immaterial to me whether it was a mistake or wasn't a mistake. The important thing is that he got it, whether by mistake or otherwise. This says that it was distributed to his institute, doesn't it?

A. It says so here, yes. I don't know whether he got it.

Q. Now then, after Mr. Ruff got this and Mr. Holzlöhner, or his institute, both of them had been quite active at Dachau themselves at an earlier period—the mother of them came to you to say, watch your step; things are bad from there; men were killed in the earlier experiments? You did that unwittingly? You think that would be very strange that if Ruff and they had killed three men from there, that the SS, as he says, sort of took things out of his hands, you find it amazing that I suggest to you that when he gets a report like this which indicates that the Luftwaffe is carrying out another experiment in Dachau with the SS, you find it amazing that I suggest to you that he should have talked to you about it? Is that right General?

A. Nobody talked to me about it, neither Holzlöhner nor Ruff. I said on another occasion that in the late fall I happened to see Holzlöhner; Professor Ruff never talked to me about so matters. These implications I don't see.

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

(A recess was taken until 1:30 hours.)

AFTERNOON SESSION

(The hearing recommenced at 1300 hours, 27 February 1947.)

THE MARSHAL: Persons in the courtroom will please take their seats. The Tribunal is again in session.

OSKAR SCHRO[illegible] (Resumed)

CROSS-EXAMINATION (Continued)

BY DR. SEIDLMAYER:

Q. Herr Schroeder, I want to ask you one additional question about the production of these minutes, that is document NO 177, Protection Squad [illegible], the minutes of the meeting held on the 19th and 20th of May 1944 on Wasserburg an Inn. I notice that on the distribution list a copy was sent to Luftwaffe Inspectorate IC, 1st A Tollius, 2nd A Tollius, Group 3, and then the initials KTP. Can you tell the Tribunal what persons received copies of these minutes?

A. Herr General I was [illegible], was it not

Q. 1st A Tollius.

A. Yes. That was the Lieutenant Colonel at the time Christerit Radio.

Q. Can you recall that?

A. 2-A-T-C-3.

A. Yes, that is abbreviated form.

Q. Group 3?

A. Group 3 and the below Corporation. That was the same who worked in the Ministry -- I think it was a Christerit Corporation.

Q. But you yourself never saw a copy of this document?

A. No.

Q. Did you take part in any of these Security-Problems?

A. We received by a Gestapo [illegible] when I returned from my trip. [illegible] the point was concerned for us, that is to say, [illegible] the Gestapo.

Q. Did you further take part in any conference for consultation on behalf of the Chief of the Medical Service of the Luftwaffe?

A. He was consulted by a [illegible] and, therefore, they interfered in the [illegible]--this was part of their [illegible].

Q. Well, but you say Becker-Freyseng and Schaefer reported to this [illegible] that in their opinion [illegible] could cause [illegible] injury after six [illegible] death between six and 12 days. Did Becker-Freyseng tell you that?

A. That was not correct. They did not report that to [illegible] my opinion [illegible] the opinion of the [illegible] on that record. It is the [illegible] engineer who from his memory wrote these things down. Afterwards this [illegible] personal opinion. My personal opinion. My personal opinion was [illegible] subject of discussion at all.

Q. Well, now, [illegible] and the other gentlemen from the [illegible] were representing the [illegible]. Becker-Freyseng and Schaefer were the only [illegible] of this meeting [illegible] that it is the [illegible] of the [illegible] that [illegible] will [illegible] injury after six days. And it [illegible] that Schaefer [illegible] will finally [illegible] not later than 12 days. Now I [illegible] if Becker-Freyseng [illegible] that had been reported to this [illegible].

A. I cannot say that [illegible]. Why don't you ask Becker-Freyseng himself, [illegible] will be able to tell you [illegible]. It was not my opinion on [illegible].

Q. It is rather important to know, General, whether [illegible] was reported [illegible] that your opinion was with respect to that [illegible] subjects [illegible] 12 days. [illegible] to tell you [illegible]?

A. [illegible]. In addition [illegible] I personally don't accept [illegible]. I [illegible] I didn't [illegible] at all.

Q Well, did you think in May and June 1944 that if Borkor water was used for six days that it would cause permanent injury to the experimental subject?

A No, I didn't believe that because Borkor water was identical, as far as I thought, with sea water. The adding of that Borkor drug did not change the character of the sea water at all. The fact that was water with five or six days chlorpos, or, rather, has never proved it permanent physical damage. I could not confirm on the basis of my own experiences, which I at that time made in my capacity as Chief Physician about this very point.

Q In other words, it is your considered judgment, as an expert, that even if a man drank sea water for six days that it wouldn't cause a permanent injury; is that right?

A That is correct, yes.

Q Did you talk this question over with Schaefer?

A No, according to my knowledge, no.

Q Did Schaefer tell you that in his judgment it would kill a man to take Barker water for as much as twelve days?

A It is possible to call that; I don't know. It wasn't the subject of discussion at all. Moreover, the directives to interrupt these experiments as soon as there was suspicion of any harm or personal injury to a person that was one of the basic conditions of the experiment.

Q We will come to that in a minute; right now I am interested in whether Schaefer told you that in his judgment it would kill a man to drink Barker water for twelve days. I want to remind you of something you said in your interrogation of the 2nd of October. You were asked the following question: "Now, a question; I ask you to consider it carefully. Can you tell us here if Dr. Schaefer did not attempt, that in fact he omitted to call your attention, as head of the investigation of aviation, to the fact of the Barker method and to his report, but that he further attempted to convince you as his chief, and as a physician, that such experiments should not be undertaken in the concentration camp of Dachau." You answered: "Of course, he did not do. It was, to begin with, not his business." Can you tell the Court whether Schaefer came to you after this meeting and now look, there is some mention of carrying out experiments for twelve days on concentration camp inmates at Dachau; as an expert in this matter I am telling you that that is going to kill them if you do it." Now, you ought to remember if he told you something like that; did he, or didn't he?

A Under oath I cannot say whether this was the case. Please ask Schaefer or let him report about it. For me it was quite certain that the experiment should only be carried out to such an extent as was possible without doing any damage to health.

Q I have long since asked him that question, and he insisted at great length that he told you; that he warned you; that he wanted no part of the Dachau experiments. Of course, you didn't know that when you were interrogated on the 2nd of October; and there you denied that he told you and that he warned you. Now, which position is correct?

A If Schaefer had testified to that here during an interrogation, namely, that he said something to me about it, I would believe him and wouldn't deny it at all; but I really don't know it any more; I have so much to think about that I can hardly remember every detail; that applies to me as it applies to every one else, but I am not going to deny that I made those statements. It doesn't make any difference to me because my view about the entire affair was very firm, namely, that the experiments could be carried out in the Dachau that didn't harm any persons and didn't cause any bodily injury.

Q Now General, you will recall that both Schaefer and Becker-Freyseng were asked about this at the conference in Nurnberg in October, 1946. Didn't they give you any of the details about what was reported in those Dachau experiments as you could go into these sea water experiments with your own men?

A No, neither one or the other told me even a word about it.

Q Now, between this meeting of 29 and 30 May, 1944, and the first of June, you scurried around and tried to arrange for these experiments at the Luftwaffe Medical Academy and at the hospital at Brunswick; that right, isn't it?

A Yes.

Q And then, after exhausting all other possibilities, you finally went to the SS, as it was said in the minutes of the meeting in May; is right, isn't it?

A I am saying that I didn't know the record of that meeting; therefore, my decisions cannot have referred to any statements contained in record. My decision was based on my own views in that matter.

Q It is just a horrible coincidence, is that right, General —

A That is what you construed of it.

Q When did you see Gravitz?

A I can only reconstruct that from the letters, since the last conference took place on the first of June, and the later information from me to Himmler was written I think on the seventh. I must have seen Gravitz before that; this could only have taken place between the first and the seventh.

Q Where did you see him; did you go to his office?

A Yes, the office of which he was a representative, the German Red Cross in Babelsberg. This was closer to where I lived and I had somebody to speak to at that time and that was the reason I went there.

Q How long did you talk to him?

A I don't know that any longer; perhaps a quarter of an hour, twenty minutes. I had no other subject to discuss with him than this and I dealt with it shortly, as I said, he and I, and I think it took about twenty minutes.

Q And you told him you wanted these sea water experiments carried out on disharmonly discharged Wehrmacht soldiers; is that right?

A Yes.

Q Did you tell him that you were limiting the experiments to that type of experimental subjects?

A No. I merely told him that as a suggestion since the selection of experimental subjects was a matter of the police; that didn't my concern. Therefore, I couldn't really exercise any influence. That was the only point in the entire experimental affair which was outside my influence. Therefore I made this suggestion in order to get a number of people for the experiments who could be put on the same level as soldiers.

Q But you were willing to take anything that they sended you; they handed over to you; is that right?

A That wasn't forthcoming. They told me that he would approach me.

Q But you were prepared to rely upon the SS in producing these experimental subjects?

A I had no reason to have any objection or any doubt regarding it.

Q Well, General, if any of your associates who knew all about the experiments in Dachau during the high altitude and freezing experiments had whispered a word about it, there might have been very good reasons for you not to rely on the SS in this rather important matter; isn't that right?

A Well, how much longer shall I repeat here in order to establish that I hadn't known these things. Why should I have known them? Every opportunity I have emphasized that.

Q You say you thought that they only had these dishonorably discharged Wehrmacht soldiers and a social elements in concentration camps. What do you mean by a social elements?

A This word "a social" I only heard here in Nurnberg for the first time. The word as "asocial" was mentioned to Grawitz.

Q Well, who do you think they had in concentration camps other than dishonorably discharged soldiers?

A Already yesterday I emphasized that I, just like many other millions of Germans, didn't know anything about it. Here apparently I have to repeat that every few minutes. I only know that Germans were kept in concentration camps; dishonorably discharged soldiers from the Wehrmacht or other criminals who did not deserve their sentence in the prisons, but in the concentration camp in order to be committed for the war effort, and furthermore, that politically unreliable people and many other Germans who any way were not politically reliable were kept there too. This is what I know about it; I already stated it here a festimes. I can only say that we were under oath and I have to ... that — either you believe me or you don't.

Q Now, General, how did you get credits to understand that these experiments had to be carried out on volunteers or not at all. Did you give credits this understanding?

A I told him that there would be volunteers for that purpose if they would be given an improvement in their nourishment as a reward. I still know that every soldier is ready to put himself at the disposal for any special task if he would get any increase in his nourishment; that is in accord with the mentality of an army soldier.

Q I think perhaps it is not necessary to go over your letter to Himmler of June 7th, that is document NO 185, Prosecution's Exhibit 134, but I would like to ask you one question. You stated "that direction of experiments shall be taken over by Stabsarzt Beiglboeck, civilian Professor Sapinghaus, Chief Physician of the Medical Clinic in Vienna. After receipt of the basic approval, I shall list by name the other officials who are to participate in the experiment." Who were these other officials who participated in the experiments, General?

A They were no physicians who were concerned with the question of clinical assistance; they were assistants; I don't know their names. They were considered in order to perform those scientific observations of the work which was performed. Perhaps Doctor Fraysse will be able to tell you more about that than I. These were merely technical assistants in order to perform exact observations.

Q. I want to put another little coincidence to you, General, and appears in this letter as compared to the minutes of the meeting on 19 and 20 May, and that concerns this twelve-day experiment provision. I remember you said, "As the experiments on human beings could thus far be carried out for a period of four days and as practical therefore a remedy for those who are in distress at most up to twelve days, appropriate experiments are necessary." Now do I understand you to interpret that to mean that twelve days or less, whenever the experimental subject say they can't go on?

A. Yes. It was important to establish what would enable us to do that licit, and the experiment proved clearly that with the Schaefer means, an unlimited continuation of that matter was possible. Whether, on the other hand, the Prof. Ding had hope that results of the experiment could not be continued beyond three or four days, that exactly was the question which had to be decided by that experiment. It was not intended that by forcible means the Prof. Ding should be established.

Q. But, General, I bet you that if you were to rewriting this letter today, you would probably phrase that paragraph just a bit differently, wouldn't you, to make your statements now appear a bit more clear?

A. I would have to see it in front of me in order to say something about it. I couldn't possibly state anything from my memory.

Q. We will pass that, General. Do you still contend that the experimental subjects were volunteers?

A. Yes.

Q. Let's look at Document NO-179, Prosecution Exhibit 135. This is the letter of 21 June 1943 from Grawitz to Himmler including comments by Gebhardt, Blanke and Rabe on how the experimental subjects should be used. I want to call your attention to paragraph two where Grawitz reports the statements of Blanke, and Blanke said: "Referring to the above letter we report that we have no objections whatsoever to the experiments proposed by the Chief of the Medical Service of the Luftwaffe to be conducted in the experimental station Dachau in the concentration camp Dachau.

possible, Jews or prisoners held in quarantine are to be used." Does this seem like a very real expression of volunteer subjects to you — "Jews or prisoners held in quarantine"?

4. This is an inter-office correspondence of the [illegible] which is not known to me in which I never participated. As it can be seen from the date bottom list, there are two copies, one which is available here and which there is another draft which probably resided with the office.

5. Now, General, let's go around the point. I am not concerned the first section that's containing your individual copy of this letter, are you concerned either? The [illegible] is not great length but the experimental subjects were volunteers, and are you interested in the information that question, or I mean the tribunal is interested in your interpretation of the implications of this letter because it [illegible] with those persons who were, in fact, selected to undergo these experiments; or isn't for at another or not you received it and just want to our attention to the lower level of what it might cut, or I will ask you if these [illegible] doesn't raise a little question in your mind about the use of [illegible] and in quarantine [illegible] in volunteers?

6. It doesn't [illegible] they weren't volunteers. This point [illegible], [illegible] I would [illegible] there be volunteers upon them [illegible] if are [illegible] or [illegible] in [illegible] of the [illegible] — [illegible] — [illegible] — [illegible] [illegible] from in [illegible].

7. In other words, [illegible] if [illegible] such a [illegible] letter [illegible], [illegible], you would have still [illegible] the [illegible], is that right?

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A. These are only conclusions which are constructed hypothetically and I can make no comment on them. Probably I wouldn't have done that. I would have approached Brandts and asked him what the matter was.

Q. Let's look at comment three by Nebe. He said, "I agree with the proposal to conduct experiments on prisoners of concentration camps in order to develop the method for making sea water potable. I propose taking for purpose the medical Gypsy Belforschung. There are people among them who, although healthy, are out of the question as regards labor commitment. In taking these Gypsies, I shall shortly make a special proposal to the Reichsführer, but I think it right to select from among these people the necessary number of test subjects. Should the Reichsführer agree to this I shall list by name the persons to be used."

Now, General, do you think that Mr. Nebe was difficult with such ease that he could sit in Berlin and list forty Gypsies whom he knew were fit to volunteer by name?

A. I have no idea who Mr. [illegible] is, what functions he had. I said before that this was an inter-office letter of the SS, and I can make no comment on its interior.

Q. Doesn't that observation by Nebe indicate to you that the Gypsies weren't volunteers?

A. I really cannot possibly say. That is merely an assumption. It is still that it.

Q. And as I understand your testimony, you put credit for this comment by Gravitz in this letter where he says to the proposal of the Reichsführer Nebe to use Gypsies for the experiments: "I beg to raise no objection to it: that the Gypsies being of a somewhat different racial composition might possibly provide experimental results which might not be valid entirely to our case. It would, therefore, be desirable if such prisoners could be used for these experiments as are racially comparable to German people."

Do you credit the racial [illegible] Gravitz, do you, General?

A. Well, this is merely my impression from which I can conclude it is possible that I spoke about such a thing. This letter was sent off about four weeks later, 29th June; that is probably four weeks after I had visited him. Perhaps he didn't remember the words exactly at that time. But this is an inter-office letter in the SS about which I really cannot comment. This is really outside my authority completely.

Q. When did you learn that typhus was used in the experiments?

A. I learned that when Sellbrack sent the final report about the experiments to Berlin.

Q. Would you have condoned the experiments if you had known that before?

A. After what I have said, these were people who spoke German who were included within the prisoners of the German population, and really no objection could be made. I can only repeat that we thought that Fascist men were in the camps didn't count at all. I did attempt to take those considerations into account when I was thinking about the situation in concentration camps, but at the time I didn't possibly have taken things into consideration of which I hadn't known anything.

Q. Did you see Sellbrack before the experiments?

A. Before? Do you mean before the experiments? I spoke to him very shortly before the experiments, and I have his directives with his words. Details were then settled between him and Becher-Freysenge.

Q. Did you say anything to Sellbrack about the experimental aspect?

A. No. We only spoke about the matter as such. I am not quite sure whether the question "concentration camp" at that time was already established. Please, why don't you ask Sellbrack himself? I don't know. It is two before or after the 1st June.

Q. You didn't say anything to Sellbrack from within sure that German volunteers were used in the experiments?

A. That was a matter of course. There was no discussion about it. It was subject of discussion. There wasn't anything to be discussed at

Q Well, you didn't tell him that then?

A I don't know. I can't tell you that under oath. I know that that there were volunteer people, and I certainly did not say that they to be Germans because I didn't take any other possibility into consider at all and couldn't have said it. These are all reconstructions which c as later, but at that time weren't subjects of discussion at all.

Q Do you know whether Gypsies were recognized as Germans under racial laws of the Reich?

A As far as they lived in Germany, I thought that that was the case. I never had any thoughts about it.

Q General, do you think that Gypsies were recognized as good Ger Reich citizens? Is that right?

A At any rate, we in the Oberreich knew people who were Gypsies. people knew about it. I still remember that. There was something about Gypsies in one of the resolutions that were issued that I remember that name, in one of the resolutions that were issued during the war.

Q Then you are quite sure that Himmler's instructions were t these subjects were to be free from their order only until such time as th themselves said they could not be separated?

A Yes.

Q The judgment about whether or not they could continue to tol Czechoslovakia was left up to the individual subjects, is that right?

A The judgment in the first line lay with the inspector. He was th one who had to determine whether there were any injuries. That was his responsibility.

Q Well, doesn't that change the thing just a little bit, if Beiglboeck concluded that the experimental subject could continue for the seven days, after he had said I can't stand it any more, that Beiglboeck could go ahead under your instructions. Isn't that right?

A Will you repeat please? I didn't quite get it.

Q I recently understood you to say that the judgment [illegible] for the experiments should be continued was up to the doctor, that is, Beiglboeck, you had previously stated that your instructions were that the experiments were to go on [illegible] the men themselves agreed [illegible] the water. I am trying to [illegible] straight. If in Dr. Beiglboeck's judgment the man could continue to drink water for another two days, did your instructions permit Beiglboeck [illegible]?

A The thing was intended in the following way: Beiglboeck was to [illegible] to the people he had that [illegible] could continue for another [illegible] and if after a personal conversation with them they would be inclined in keeping on for a little longer than they could. That's how I understood it. But the personal [illegible] about [illegible] with the boys, etc. [illegible] or injury was to be avoided under all circumstances. That was [illegible].

Q As I understood you [illegible] the experiments were conducted, that is, how long they continued, what water they got, [illegible] and [illegible] Beiglboeck [illegible] sea-water, etc.?

A Yes. After this [illegible] for the experiments [illegible] the responsibility [illegible] it. [illegible] Beiglboeck [illegible] responsibility.

[illegible]

[illegible]

[illegible] possibly assume responsibility for that work.

Q. Now, you got a report [illegible] verbal report, in Berlin in the Fall of [illegible], didn't you?

A. Yes.

Q. Who gave that verbal report?

A. It was a report about the experiments that the entire experiment Heilbronn, that was after he completed his series of experiments -- and he completed all of the laboratory work which was then carried out. At the end of the conference Heilbronn made a summary report and gave a report to the shelter -- in the Berlin near the [illegible] I don't know -- I think it was somewhere about [illegible]. Previously I [illegible] it in [illegible]. I have a vague picture of this discussion at the time but I didn't define the date.

Q. I said "verbal report," [illegible] Berlin.

A. Verbal report, yes. [illegible] report that the entire experiment [illegible], Bonn had all of the [illegible].

Q. And did Heilbronn make a written report?

A. No, I have the impression that he [illegible] only the verbal report.

Q. Now, [illegible] Berlin in the [illegible] Heilbronn [illegible], [illegible], did he do?

A. Before the there, Buchenwald, Schoeffer, [illegible] and there were three positions [illegible] to the technical questions. I don't know their [illegible] and I [illegible] the questions personally [illegible] around. However, I think 15 [illegible].

Q. Didn't a report [illegible] tell about the experimental [illegible] results, [illegible] and [illegible]?

A. I really don't [illegible]. I don't [illegible]. I don't [illegible] report in its entirety. [illegible] particular [illegible] with [illegible] [illegible]

[illegible] Schaeffer procedure had to be repeated 1. That is all I really [illegible]—that very short statement. I think that I asked the [illegible] experimental subjects were [illegible] the very first time I learned [illegible] was Gypsies. That is [illegible] statement and [illegible] information [illegible] really very superficial.

Q. I understand from your testimony that you were only at this report [illegible] for a very short time. Is that right?

A. Yes, only for a very short time. My recollection is that it took [illegible] further hypnotical work for [illegible] and to [illegible] to [illegible] take place at the [illegible] time. Short of that, I was very busy [illegible] over to the experimental [illegible] prior to [illegible] recall [illegible] recall [illegible].

Q. [illegible] that these [illegible] to hypnotic [illegible] subjects [illegible] of that which [illegible] subject. Is that right?

A. Yes.

Q. Well, they were [illegible] and hypnotized [illegible] called [illegible] carried out [illegible] subject?

A. This [illegible] experiment [illegible]. I don't think it is [illegible] the non-relevant [illegible] This experience is [illegible] world. I will emphasize [illegible] the [illegible] since the experimental [illegible] in [illegible] of the experiment by [illegible] children.

[illegible] I [illegible] [illegible].

(Pause) [illegible]

[illegible]

[illegible] I [illegible] [illegible] I [illegible] [illegible] I do [illegible] [illegible] [illegible]

[illegible]

Yes. I [illegible] [illegible]

[illegible]

[illegible]

[illegible]

A. They were drafted by the prosecution and formulated as excerpts of the various interrogations. They really didn't constitute our own words, so therefore were not always in accordance with our usage of the language. As can be seen here now the [illegible] of the language is not used as [illegible] it in dealing with authorities. Whenever we objected to that procedure we were told that later we would have sufficient opportunity to [illegible] our opinion about it verbally, so under those conditions we always [illegible] our name. Now, of course, the situation is somewhat different.

Q. Were you interrogated in the German language?

A. Yes.

Q. Did you think that you knew English so well that you didn't have to speak German?

A. No, I knew very little English at all.

Q. Then I ask, and I think you will remember that you were asked whether you didn't state that the Luftwaffe research system was a scientific result, and I am asking you now, was that the only scientific result, scientific achievement which you stated, or did you state any more than that?

A. Yes, but now you are not talking about the interrogation here. I was in England. That was an interrogation — I must say that I was prisoner of war in England twice, once in June 1945 and then again in April. I remember that in June 1945, and I referred to that yesterday, I was questioned by a commission of Allied scientific officers, [illegible] number of so-called questions. There was this question too, namely, the so-called scientific results that I think were the most important, [illegible], scientific results or [illegible] [illegible].

I think that was the formulation, and I then listed a number of things from memory, internal [illegible], of course — I think there were five, six or eight results. I remember exactly that I stated the [illegible] problem in the wider sense of from importance, then [illegible], and [illegible] other things [illegible] the [illegible] process. I think [illegible] number of points.

Q You said during your interrogation yesterday that in May 1944, you had heard for the first time of a research institute in Dachau. Did you know that an institute for military scientific research had existed in Dachau?

A. That isn't expressed correctly. When, at that time, the question of experiments was discussed the necessity of procuring laboratories where the investigations could be carried on played a prominent part. There would have been a possibility of conducting experiments at the Academy, at the hospital at Brunschweig, and my question was whether that would be possible in Dachau, since there weren't any laboratories, and I was then told that laboratories were available there, and I think then the institute was meant.

Q After you had spoken to SS Obersturmbannführer Grabitz at this time were there any more discussions between you or any SS officials, or were you still in contact with the SS in questions of sea water?

A. No. I already said yesterday that this entire complex included two points as far as I was concerned; namely, at first the introduction, the talk to Grabitz and my letter to the Reich Minister of the Interior, and then the execution of the experiments in Dachau. Yesterday I think I don't have focused it sufficiently enough on sphere of competency.

Q Now, to begin once more with the report regarding Gaumont and Hinterkaifeck, see competency and water competency. You said that according to your recollection this report had been submitted to you in the spring of 1943. At that time how was the situation of your competency or air fleet research? Wasn't it clear at that time already that there was a defeat in Africa and weren't there any doubts, so to speak, to be raised that this report to the entire SS Reich?

A. The assumption that this report was received in spring 1943 was only reconstructed by me roughly, because I thought that since this report had to be printed and its compilation took a few months, I assumed that it was spring 1943, and at that time it was a great military success. At that time, around Christmas, Tripoli had been lost. There were

[illegible] to at Tunis, and we continually [illegible] warnings regarding that territory, [illegible] quite sure of that. It was a time of extreme tension.

Q And I now come to —

Dr. ALEX: Mr. President, my [illegible] is being drawn to the fact [illegible] statement was made which would disturb [illegible]. The witness Scheucher is saying Reuche [illegible]. However, the translation was Scheucher's [illegible]; namely the rewriting of Dr. Scheucher.

THE WITNESS: Yes, the technical word was quick rewriting, not not Scheucher rewriting.

Dr. ALEX: I [illegible] you to accept this interpretation.

Q Professor, you were saying that you had never [illegible] of the names of Scheucher and Finke. Scheucher and Finke were only small persons of the reserve with no influence?

A Yes, they were two of the [illegible] thousand. I was altogether nine hundred medical officers, and there were [illegible] and six or seven thousand staff officers among them.

Q These names did not mean anything to you?

A No.

Q Did Dr. Scheucher would [illegible] have come into the [illegible] staff officer of the reserve if he hadn't established any connections with the [illegible]?

A Yes, certainly that would be the case.

Q I say now to a question with reference to Professor Kik. Professor Kik was consulting expert on internal medicine with you?

A Yes.

Q Did Professor Kik ever [illegible] which you [illegible] a request or information [illegible] concerning [illegible] to be confronted with regard to hospitals?

A [illegible] carefully approached [illegible] in order to assist in a good liaison [illegible] with [illegible] supervision.

Q [illegible] at his disposal [illegible] continue to observe [illegible] patients. [illegible] carefully concerned with observation of sick [illegible].

Q Then a few more questions in order to clarify some points. You said before that your consulting surgeon, Professor Buerkle de la Camp, participated in the meeting of consulting physicians where sulfanilamide was discussed?

A Yes.

Q Would you please try to refresh your memory and say whether that is correct or whether you might be mistaken?

A I don't think I was mistaken because I attached great value to it. Buerkle took part in those conferences.

Q Will you please report, when did it take place?

A Yes, in the year of 1943.

Q Was it in May?

A Yes, I think it was May, 1943. Yes, yes, now I remember he couldn't have taken part at that time.

Q Why not?

A Because that was the time the Africa front had collapsed. Yes, now I remember, he was intended to take part and I think it was thought that he would hold a lecture, but then of course the events took place in Africa and there was a transport of the rest of six or seven thousand wounded from there, and at the last moment I had to stop. Yes, I remember now, it is quite out of the question that he took part in that meeting. I am sure he took part in 1942 though.

Q Was he in Italy with you at that time?

A Yes, he was large with me in Italy as I was air fleet physician.

Q Perhaps, what was it that a military judge was allowed to do - to plead? Does that mean that the latter is based on a civil crime or was this lawyer in your place with a special role of defense? Why exactly does such a situation occur in court - to which extent with city of the special order necessary in every case?

A In Germany after the first [illegible] the German crystal [illegible] Professor [illegible]. I think we could say for example of a student,

[illegible]t the letterhead was always the Reich Minister of Aviation or Ministry [illegible] Aviation, or during the war the C[illegible] Commander-in-Chief of the Air Force. [illegible], whenever anyone signed that letter it could [illegible]rally only be the [illegible]on who was the Reich Minister for Aviation. Since, of course, that [illegible] impossible everyone who was authorized, for instance, chief of transport system, communications, medical chiefs or whatever it was, had to [illegible] this letter, by order - i.e., so that all ministerial correspondence [illegible] the very same form - Reich Minister So and So, and underneath i. e. - [illegible]rior, Chief of Communication Service, Chief of Transportation Service [illegible] whatever agency it may have been, and within the agencies it had been established who actually had authority to sign any letter.

Q. The prosecutor put a question to you, what knowledge you had of concentration camps and you stated two names, Oranienburg and Dachau?

A. Yes.

Q. I'm now asking you — did you ever listen to foreign news stations the basis of which you could have gained some more experiences?

A. No: that was prohibited, and I, in my position, adhered to this prohibition very strictly. Only very few people in the Luftwaffe were allowed to listen to foreign stations. I didn't belong to these people, and I adhered to that regulation very strictly.

Q. Do you know that inmates of concentration camps, before they were released, had been obliged to the strictest secrecy under threat of death, lest retransportation into the concentration camps?

A. I didn't know that, mainly because I had no opportunity to speak to those who had come from concentration camps. That is why I have no opinion on the subject.

Q. Was it not true that there was a certain tension between the Luftwaffe and officers in the SS?

A. I had no contact at all with SS officers, either during the war or later, or even during the time when I was a radio relief. I didn't have any connection and did I seek it.

Q. In the country there was general opinion that particularly the Luftwaffe tried to keep away from the SS?

A. Yes, there was certain tension. Yes.

DR. MARX: I have no further questions.

DR. SERVATIUS:

Q. Witness, you spoke about typhus control stations, and, in this connection, you mentioned Karl from Stettin and Buchheim. What did Karl mainly for typhus deal with?

A. As far as I know it was just concerned with the just district of typhus vaccine. Unfortunately we were not in a position to produce sufficient typhus vaccine.

Q. You don't have to explain it once more. Well, this office was [illegible] with the distribution of vaccines?

A. Yes.

Q. Did the control station anything to do with research?

A. No.

Q. What was Karl Brandt's connection to this control office, as you [illegible] it?

A. In my opinion he was informed since this lay within his sphere [illegible] Reichsführer SS and had to be informed about the important questions of the medical service, and the question, what the distribution of typhus vaccines was, and to what extent it was available was, after all, a very important factor in the longevity of a war.

Q. Who informed him about that?

A. That would have been a task of the Armed Forces Chief of the Medical Services, who, according to official regulations, was to keep him informed on all important questions.

Q. And to whom — now, who was to be informed, would the information go personally, or would one turn to Berlin or to the Department of Hygiene in Berlin, or Danzig and Königsberg?

A. I think that was well-known, I don't know about and would have to [illegible] this question, which would actually have effect.

Q. In other words, you don't know it.

A. No.

Q. Well, your statement — [illegible] was informed by the Armed Forces [illegible] is in contradiction to your [illegible].

A. Yes; I talk about it generally.

Q. In your affidavit, which is Document 10-9, in Document Book [illegible], it says Karl Brandt, more [illegible], knew about the experiments [illegible] Himmler. Who informed him about it.

A. [illegible] is not quite correct in that form.

[illegible]

A. [illegible] was submitted many times [illegible].

Q. Witness, please answer my question. I was asking you who informed [illegible]

A. Did you inform him?

A. No.

Q. Well, who did?

A. This list was committed to the agency of Rostock.

Q. Who wrote this list?

A. We wrote the list; yes. This list was given to the agency of Rost[illegible] in the way of a copy, and it was Rostock's task to see how far he wanted to inform Brandt.

Q. You say that the agency of Rostock and Essen was informed by this letter?

A. Yes; they were informed by this letter.

Q. Was an information given to and that?

A. No.

Q. We say report being made about the individual experiments?

A. No; just as it was stated in that letter — that is all.

Q. Generally you said that Karl Brandt knew about the experiments [illegible] Air Force?

A. Yes.

Q. Well, is that correct in this general form?

A. No; it is not correct in that general formulation. This again is formulation which doesn't constitute my own words but which can only be seen by the affidavit.

Q. So then this statement is wrong?

A. Yes; in that form it is.

Q. Did Karl Brandt know exactly anything about high altitude experiments?

A. I cannot tell you that.

Q. You didn't know it? Does this, in any way, refer to cold [illegible]

A. This statement can only refer to the time I was in charge of [illegible] that is, the beginning of the year of 1944.

Q. [illegible] still discuss the sea water experiments.

A. Sea water experiments were not mentioned in that list.

Q. At any rate, Bright was not informed, was he?

A. No.

Q. How about [illegible]?

A. That was before my time [illegible] I can't tell you anything about it.

Q. Anyway, then what is left of documents which in any way could have been reported to Bright first [illegible] information if you exclude those [illegible]

A. Well, there are a number of other things which are listed in the list that was permitted. I think about 60 such things were mentioned.

Q. Would you perhaps give us a few such examples? -- Up to this point, such things were discussed here.

A. Well, those things are not subjects of discussions here, but are contained in that list. I only looked at that list and I looked at the things which were submitted to me for my overall situation.

Q. Now, if you will that Bright was informed and approved, as you state in your affidavit, then I may note and refer to the four points of the subject of the indictment here. Well, what do they refer to?

A. I really don't know.

Q. Did you want to correct your affidavit in that point?

A. [illegible] at that time, Bright in point of fact [illegible] list -- the list that was submitted here [illegible] Office of Bright. You then talked to him there later, and [illegible] if it wasn't merely [illegible], and I didn't [illegible] with it.

Q. Now, that statements are merely based on the fact that [illegible]?

A. That that's correct.

Q. Thanks. [illegible] that Bright [illegible] Krupp's [illegible]

A. Yes.

Q. How do you know the official position of Bright, as it [illegible] for [illegible]?

A. I know [illegible] of conversations which I held with Bright in [illegible]

Q. When were you there? Did you go there frequently, or only once?

A. Well, it may have been twice or three times. I went there when [illegible] came to my office in order to have his acquaintance.

Q. What was this advisory council intended for?

A. That was with reference to Streicher's work in his office -- anti-Semitic, propaganda, and the tasks which he was dealing with.

Q. This is not a criminal or executive activity within the framework of his official position?

A. Yes; within the framework of the orders he received from the Führer.

Q. Witness, do you know the arrangements in the higher levels of judicial administration? That I mean is, Streicher's position toward you, Thierack, Schlegelberger, etc.

A. Well, I think that, generally, I know it.

Q. Do you know the conferences that took place during the Hitler period of time?

A. Yes; approximately, I do.

Q. I have now submit to you the courts which you have signed, or initialed.

MR. PRESIDING J: Before the counsel submits these documents to the Tribunal, the Tribunal will recess for 15 minutes.

(A recess was taken.)

27 Feb. 47-A-TD-20-1-6-Illsher
Court No. 1

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Dr. Seidl, counsel for the defendant Oberhauser, I would like to see you, Dr. Seidl, in my office at four-thirty o'clock, after the recess, Dr. Seidl, counsel for the defendant Oberhauser, Court will proceed.

BY DR. SERVATIUS:

Q. Witness, I have had given to you two charts, NO-418 and NO-419 that is Exhibits No. 12 and Exhibit No. 13. These are two charts which signed as an affidavit. Witness, these two charts were drawn up at different times, the first one was November 1943 to December 1943, and, the second chart was effective 1 January 1944 until 1 April 1944. Witness, what is reason for these differences in time?

A. A change of organization in the Aviation Ministry.

Q. Yes. Does this distinction refer to the office of Karl Brandt which is at right of the top of both charts?

A. No.

Q. That must be accepted?

A. Yes, sir.

Q. Then the plan is incorrect to that extent?

A. (Looks at charts)

Q. Now you made a difference in the training of the office of Karl Brandt on the two charts. To what general difference has the different which you made apply?

A. I may say that this training was only partly done by me. Other people have contributed it, and I have put in parts of the Aviation Ministry.

Q. Witness, then the plan does not affect the provisions in the office of Karl Brandt, is that true?

A. No, that was only about the secondary purpose of this chart.

Q. Witness, now one more point about these charts. If you look through the organization there are various sizes which are usually straight lines, the lines of priority, or by hand, or lines of 90°. There are also several dirty, crumpled and in the list of accordingly

organization orders and technical; second one is technical only, and the third one is technical. Will you explain the distinction that is made between technical specialized and only technical. These are all signs which occur in Pratt's office?

A. I can speak of the organization of this plan. The principal of the name of the lines ———

Q. Witness, I don't want this explanation. I am only asked whether you can explain the difference in this distinction by means of chart?

A. Yes, that is what I am trying to explain. The investigators in these offices were subordinate for the benefit of order, and I had to explain that was not so, simply; in the course of the conversation was on this distinction, and these same lines are all in jointly and are correct, and that plain line across the ring, and so on, is to distinguish it, which I affixed to the strict subordination, and which was a rather loose relationship. That is what I pointed out. I said at the time that was not give the right impression, and would be correctly submitted and if had made an explanation of the said plan, otherwise, there would be misunderstanding, such as we are confronting right now.

Q Then, the chart in itself is not clear?

A Yes, it is not clear; that is what I said at the time.

Q How about the distinction between technical and purely technical offences?

A No, that was the lack of clarity at the time, to give a true picture.

Q Then, it is not clear?

A Yes.

Q Now, will you please go to chart No. 419. Does the lack of clarity apply to that chart also?

A Yes, here again there is a [illegible] line from Brandt to Handloser, from Handloser to Schroeder. When the interrogator interpreted that, Brandt gave orders to Handloser, the Minister gave orders to Schroeder, Brandt and Handloser could handle Schroeder, and that Brandt gave orders to the technical office. That has to be clarified in a second way.

Q Now, witness, it was certainly clear that Hitler was your superior?

A Yes, I am, but not to the interrogator.

Q Now, as General Sperrle, did you have a Generalfeldmarschall as your superior? Was that customary in the Luftwaffe, for a General Feldmarschall to be under a Generaloberst?

A Yes, you are speaking if one did rank, are you not?

Q Generalfeldmarschall and Generaloberst?

A Yes, the Generaloberst was the lower rank, the higher one was the Generalfeldmarschall.

Q Then, it is not possible to [illegible] their way around?

A No.

Q Please look at your chart, at the top there is a solid line. At the chart one you will see that the superior you have, Generalfeldmarschall Kesselring, isn't the right one according to the chart?

A That was nothing that was crossed out; that was one of the [illegible] here.

Q [illegible] the chart here, already; that must be a correct one?

A. Yes, that was one of the things that had to be explained.

Q. Then, as far as Karl Brandt's office was concerned these two vote are valueless?

A. Yes.

DR. SERVATIUS: I have no further questions.

DR. KRAUSS (for the defendant Rostock):

Q. Professor I refer to No. 8 of your affidavit of 25 October 1946, that is document No. 449, Exhibit 130. This document refers to your statement about a knowledge of Karl Brandt, Handloser, and Rostock on various things. You have already qualified that this statement is not an exact reproduction of what you said, and in particular what you intended to say. In view of this fact, you made a correction in the affidavit of 27 January 1947; that is, Rostock's document No. 11, Exhibit No. I will show you this affidavit and I shall ask you briefly to confirm whether it is correct.

(The affidavit was handed to the witness.)

A. Yes, that is right.

Q. I thank you.

DR. KRAUSS: Mr. President, I have no further questions.

DR. TIPP (for the defendant Becker-Freyseng):

Q. Professor, I have a few questions to put to you. During the direct examination we have discussed the position of Becker-Freyseng in your staff. At that time you described the position as a technical expert, and you answered my question by saying that Becker-Freyseng was your adviser in questions of general research. In the examination by the Prosecution, this question came up again, and you answer confirmed that such was the state of affairs actually. Therefore, I wish to ask you: was Becker-Freyseng a referent, a technical expert, your assistant? I ask whether your only adviser in the questions of high altitude research was Becker-Freyseng, that is, in the important research in general?

A. [illegible] Freyseng was.

Q. [illegible] Did you have any other adviser in other

fields of research?

A No.

Q Very well, thank you. Then, I should like to ask you some questions about the problem which was discussed last by the Prosecution, that is, sea-water experiments. First, the question which is very important: what persons were to be used as experimental subjects? You said that you were thinking of soldiers who had been sent to a concentration camp, and very briefly you mentioned a soldier unworthy of bearing arms. Can you tell us, if not, please answer the question in the negative, how does a soldier lose his worthyness to bear arms?

A Through the judgment of a court.

Q Only through the judgment of a court?

A Yes, not by any other way.

Q Then, if you spoke of soldiers unworthy of bearing arms, you could only think of soldiers who had been regularly condemned by a court; who had lost their qualifications for bearing arms and had been sent to a concentration camp?

A Yes.

Q That was the kind of soldier you were thinking of?

A Yes.

Q Now, very well, another question about the sea-water problem, which is connected with what the prosecution said today. You have already [illegible] why the sea-water experiments were necessary. This question was not brought out as clearly as I should like to have it brought out for my client Becker-Freyseng; therefore, can you briefly, in two sentences, say, to clear up this question, experiments were necessary at the [illegible]. The question was: Can the Berka process be introduced or must we [illegible] the Schaefer method of processing; why were these experiments needed [illegible] [illegible] were [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

action of the Burke procedure, at least, for a matter of days, in case of a distress at sea would be possible, in order thus to save the raw materials which the Schneider procedure would use in large quantities.

Q. Then, the Burke procedure has technical advantages which make its use action desirable and your office, however, has objections or disadvantages from a tactical point, and that tactical specialists were of the opinion that your disadvantages might not be justified?

A. Yes.

Q. Then, the experiments were definitely necessary?

A. Yes.

Q. Now, one little question which came up in the examination of the Prosecution witness. This was on page [illegible], your instructions, who determined the experiments which [illegible] were to be stopped and which to be stopped. Was this decision up to the experimental subjects or to persons, that is, the doctors in charge of the experiments?

A. The subjects.

DR. KIPP: Mr. President, I [illegible] further questions.

DR. FLACHSNER (for the defendant Ambros):

Q. Professor, in the cross-examination you have told us an interpretation in which you said the position of the study in the IG-83 was in some sense that of a law, and so forth. In another place in your interpretation, you also said you did not know [illegible]. Is the latter true?

A. That is true.

Q. You also said that you had a certain interpretation as to the preamble of the IG-83; is that true?

A. That is true.

Q. Then, could I ask you to read the section and relevance [illegible]?

A. I read at only from the [illegible] of the letter, the interpretation, which also is [illegible] in the IG-83.

Q. In the preamble of the study in the IG-Farben letter, you [illegible] key of the study?

[illegible]

[illegible]

[illegible] of the duty of an officer in the Army. [illegible] the authority [illegible] a qualified [illegible] of Air Force Policy [illegible] the person in charge of a military search establishment for the Institute?

a. [illegible] be held to interfere?

b. Whether he had the right or the duty of supervision over Air Force [illegible].

[illegible]

[illegible]

Mr. [illegible]: Thank you.

[illegible]

[illegible] (Judge Advocate):

Q. General Schreiber, [illegible] Tribunal brought to your body that military [illegible] procedure [illegible] killings, [illegible], torture, [illegible] persons in Germany who [illegible] called or drafted for military service and the more conscientious [illegible] in political trends were killed in jails, prisons, [illegible] concentration camps because of political or [illegible] reasons?

A. I had my actual [illegible] that [illegible] Gestapo [illegible].

Q. [illegible] if their survival if they refused to bear arms they were [illegible] war by the court martial as far as they were in the Gestapo.

Q. [illegible] Gestapo [illegible] preferred against them [illegible] which to carry out [illegible] military experiment?

A. Yes.

Mr. [illegible]: Thank you.

[illegible]

Q. [illegible] [illegible]

[illegible]

A. In the form as you have just stated it, Mr. President, it would be control persons who were not subjected to any protective measures, such as the others were. The assumption is probably was that the others were subected in some way by vaccination or something like that. The control group would be unprotected.

Q. I understand you to say yesterday when you saw that phrase in your prior that came to you [illegible] that the phrase "control group" had not suggested anything to your mind. Possibly I misunderstood you.

A. I do not know if the phrase in that question did could have been said.

Q. The matter is clear to me now. I'm [illegible], Witness, I understand you to say this morning that if a person drinks another cup within but somewhat for a period of six days at least that the person would suffer no permanent harm.

A. Yes, that is true. I have [illegible] of what I experienced in [illegible].

Q. During that time [illegible]?

A. Yes. By accident the author [illegible] experiment had been lost so they could drink only what the contamination would [illegible]. That was another [illegible] little cup which [illegible] during the night.

Q. Have you any information as to the quantity of contagion that one man drank per day or during the week?

A. We standard to [illegible] the cartridge case of a [illegible]. They are [illegible] large caliber; perhaps they would hold forty cubic centimeters. In the course of the day he could drink that from time to time. [illegible] drink as little as possible. That's what he did as much I [illegible] later. But he drank several each cartridge case fully [illegible] cubic centimeters, certainly.

Q. Is there any formula [illegible] of this culture? [illegible] rabbits can be [illegible].

DR. [illegible]EX: With the permission of the Tribunal I now call the witness Dr. Lamprecht to the witness stand.

THE PRESIDENT: The Marshall will summon the witness Lamprecht.

Dr. Herbert Lamprecht, a witness, took the stand and testified as follows:

THE PRESIDENT: Hold up your right hand and be sworn. Please repeat after me the following oath:

I swear by God, the Almighty and Omniscient, that I will speak the truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. [illegible]EX:

Q. Witness, your name is Dr. Herbert Lamprecht?

A. Yes.

Q. When and where were you born?

A. On the 7th of April 1919 in Karlsruhe.

Q. Where do you live at the present time.

A. In Tauberbischofsheim.

Q. What is your profession now and what was it formerly?

A. Now I am an official physician with the Health Office. Formerly I was a Wehrmacht officer.

Q. Were you an active officer?

A. An active Wehrmacht medical officer.

Q. You studied medicine and are a doctor of medicine?

A. Yes.

Q. When did you study?

A. 1929 to 1934.

Q. Now, will you please give the Tribunal a brief sketch of your career?

A. After the State examination in 1934 I was assistant for clinical medicine in Karlsruhe until 1937. In 1937 I took manoeuvers with the

Wehrmacht. On the first of October 1937 I became assistant arzt of the reserve. On the first of January 1938 I became an active officer in the Wehrmacht.

Q. Now, how were you employed in the Wehrmacht?

A. Until the beginning of the War I had various positions as troop physician.

Q. Were you always with the Luftwaffe?

A. Yes.

Q. Now, when did you become to the office of Generalobersstabsarzt Schroeder?

A. On the 26th of September 1940.

Q. And in what capacity?

A. As adjutant.

Q. How long did you remain in this position?

A. Until 30 April 1945.

Q. Now, will you please briefly describe to the Tribunal the position of an adjutant?

A. Yes. The adjutant of the Fleet Physician is a close co-worker of Fleet Physician. He must look over the incoming mail and present it to the Fleet Physician. Everything directly connected with the office has to be taken care of by the adjutant.

He must prepare his official trips. In short, everything that happens in the office — he must work on.

Q. Were you usually present at discussions which Professor Schroeder held?

A. Not usually, but frequently.

Q. Now what else did you do?

A. I remained adjutant in the various theaters of War.

Q. Did you not accompany Professor Schroeder on his official trips?

A. Yes.

Q. Now was anything connected in your duties when you went with Professor Schroeder to the Medical Inspectorate in Berlin?

A. Yes.

Q. How was that?

A. I became technical expert referent. Like all the other technical experts and consequently, we naturally did not work quite so closely together.

Q. But did you not continue to be in close contact with Professor Schroeder?

A. Yes.

Q. From then on how was the incoming mail dealt with? As long as you was adjutant you received the mail. Who received it now?

A. The Chief of Staff.

Q. What did he have to do?

A. He looked it over. He decided how urgent it was and he either dealt with it himself or he turned it over to the section chiefs or to the special chief -- it depended.

Q. Did the section chiefs retain this mail or did they pass it on to the technical expert?

A. The section chiefs looked the mail over and then gave it to the technical expert?

A. The section chiefs looked the mail over and then gave it to the technical expert to be dealt with.

Q. Witness, now let us go back to the time when Professor Schroeder was Fleet Physician. Can you give the Tribunal a brief description of the duties of a Fleet Physician?

A. The Fleet Physician is responsible for the Fleet. He was the supervisory medical authority. He was in charge of landing hospitals, he directed the hospitals, he directed the removal of the wounded, the replenishment of drugs and dressings, and all such things.

Q. Can you tell me anything about the extent of the duties, first in the West, and second in the South, and then where Air Fleet Two was used in Russia?

A. The Fleet included 100,000 or several hundred thousand men. In the

Q. It included Air District Belgium, Northern France, and Air District [illegible], Air District Six, and Air District Eleven. In the East it was [illegible] called central sector. In the south Italy, Sicily, Crete, and the North [illegible] Africa.

Q. How many men were in such an Air Fleet, the maximum?

A. I don't know exactly — several hundred thousand.

Q. Perhaps you will speak of the time in the end of 1942 or in the [illegible] 1943, what was your office like then?

A. In the spring of 1943 the enemy collapsed in North Africa and [illegible] be seen. There was a great deal of work of all kinds to be done. [illegible] very difficult communication lines we had to improvise and get [illegible] well as we could.

Q. Witness, you just said that Professor Schroeder frequently went on official trips?

A. Yes.

Q. Was he often at the Medical Inspectorate in Berlin?

A. Not very frequently.

Q. How often do you think he was in Berlin?

A. How often he went to Berlin from the first I cannot say — I don't [illegible] from the first he went to Berlin also as far as I know. I think he [illegible] beginning of November 1941. In the South — two or three times.

Q. Well, then from the second year, that was from December 41 to [illegible] 43?

A. Yes.

Q. In your opinion he was there in Berlin two or three times?

A. Yes.

Q. Did you ever hear Professor Schroeder ever represented [illegible] Medical Inspectorate?

A. No, he never did that.

Q. Who was the representative? The deputy?

A. General-Stabsarzt Neumeister, unless his chief of staff represented [illegible]

Q. Between Professor Schroeder and the Radical Inspectorate in Berlin was there any close official relations?

A. No.

Q. Was there telephonic conversation two or three times a week with Fischer on one end and Schroeder on the other end?

A. No.

Q. Then if I understand you correctly the conversation was restricted to what was officially necessary?

A. Yes. That was true.

Q. Now, was Radical Chief Fischer ever at the office of Mr. Schroeder?

A. Yes.

Q. In Italy?

A. No, not in Italy.

Q. Where?

A. In Russia -- Smolensk once.

Q. When Air Fleet Two was in Sicily he wasn't there at all?

A. No. I don't believe so.

Q. For what were the relations between Schroeder and Fischer? It is alleged that there were very close relationship or friendship and consequently for this reason Fischer told Schroeder about everything that Hitler did.

A. So I may have been the close friendly but as long as I was with Professor Schroeder, from the end of 1941, in my opinion there was a definitely cool feeling between the two gentlemen. That was probably due to things which have nothing to do with this trial. I do not wish to discuss the facts in detail but I can confirm that there was a definite alienation. I can also confirm that this alienation had its effect on the office, too. And, as necessary telephonic communication with Berlin was limited to what was absolutely necessary.

Q. You described the duties of the Air Fleet Physician. Now can you also tell us whether these duties included dealing with research questions?

A. No. There was not the time or space. The Fleet Physician is a busier front position. It has nothing to do with research.

Q. Did the Air Fleet Physician have any office which dealt with research questions?

A. No.

Q. Now, will you please say whether Prof. Schroder and his office received reports about research work carried out by the medical inspector of the Luftwaffe?

A. We received the documents for army physicians. I believe that was the title, "Hardlaeuter Feld Programmerte", in which experiences were presented in a time and which subjected to army physicians with troops in the front.

Q. Witness, you have said that from the Medical Inspectorate, namely, Herman Bigalke, Schroder did not receive any reports on research?

A. Certainly not.

Q. Can you say whether Prof. Schroder in any other way received knowledge of research and experiments which were connected with the Medical Inspectorate?

A. I would not answer this.

Q. Is it not true that you personally would have had to know about it?

A. Yes, I should think so.

Q. Don't you think that Mr. Schroder would have told you about it?

A. Yes.

Q. Perhaps you will remember that in October, 1942, in Nürnberg, there was a meeting about distress of war and winter distress?

A. I heard about it later.

Q. Was the office of the Fleet Physician 2 represented at this meeting?

A. No, not to my knowledge, but I must say that from September, 1942 until January, 1943, I was in the Luftwaffe Hospital in Munich.

Q. Were you sick? Were you a patient there?

A. Yes.

Q. Can you say whether Prof. Schrader or his office received a report after the meeting about what had taken place there?

A. A report?

Q. Yes, I mean a report. Any information, any report from some who had participated?

A. That is hard to say.

Q. Or, let us formulate the question like this. When you came back nothing was said about this meeting at Nuremberg?

A. I don't know the time exactly but some time that was received.

Q. That isn't what I want to know. I'm coming to that. But I mean, for example, whether at luncheon or supper it was discussed?

A. No.

Q. The Medical Inspectorate later issued a report of this meeting.

A. Yes.

Q. It was distributed to the higher offices of the Luftwaffe. Do you remember whether the office of Air Fleet 2 received this report?

A. Yes, I believe that we did receive it. If I saw the original...

Q (Interrupting) Can you remember when that was?

A. I can only figure out what time it must have been. It must have been the Spring of 1943.

Q Why do you think that was the time?

A. If I hear that the meeting was in October it always took a few days until such a report reached the troops.

Q Your chief said today that he read this report "Distress at Sea or Phase Distress" but he said it was only a very small excerpt. What was the excerpt? Let us assume it was in March or April, 1943?

A. On 13 May 1943 Tunisia was lost. That is well known. When the Tunisian Theater of war was eliminated, in the days immediately afterward, from the 5th to the 8th or 9th of May, we had so much work with removing the wounded from Tunisia that we had no time to do anything else. There were about 10,000 wounded over there.

Q Now, the Prosecution has shown us that Wunderlich's secret schreiber read this report very carefully and that he must have noticed the names Reschner and Finke which are given in a note at the end of this report. Did you read the report yourself?

A. No.

Q Did the names Reschner and Finke mean anything to you?

A. No.

Q They were Stabsarzte of the Reserve. Are you of the opinion that a Stabsarzte of the Reserve would have to be noticed by the Medical Chief?

A. They would be. We had many Stabsarzte of the Reserve, who in civilian life, had a very high position.

Q But one could not have said that of Reschner?

A. No, no.

Q If Reschner had been a famous scientist, then one might have noticed this name?

A. Yes.

Q But if a man's name is Reschner and he happens to be a Stabsarzt in the Reserve in the Luftwaffe, then he is not a very important man, is he?

When did the fighting in Sicily begin, wasn't that May, 1943?

A. No, Both sides had to consolidate first.

Q. Can you say whether Professor Schroeder attended the meeting of consulting physicians in May, 1943?

A. No, he did not.

Q. You know that for sure?

A. Yes.

Q. He was in Italy, was he not?

A. Yes.

Q. And do you know whether he attended the meeting of consulting physicians in 1942?

A. 1942?

Q. Yes, 1942?

A. No, he did not.

Q. Where was he then?

A. He was with the office then. He attended only one meeting. In Rome, I believe it was.

Q. Yes, that is on the list.

Well witness, you have said that the Office of the Air Fleet Physician received no reports that research connected with the Medical Institute?

A. Yes.

Q. And that you consider it impossible that Professor Schroeder, in any other way, learned of research or experiments of this kind?

A. Yes.

Q. You conclude this from the fact that under the relations existing between you the he would have spoken to you about it.

A. Yes.

Q. Now, did you yourself hear anything about experiments on human beings connected with some research in this direction, cold and typhus injections?

A. No, only now.

Q Did Professor Schroeder say anything to you about it?

A No. I heard that from a third party.

Q Now, witness, you accompanied Professor Schroeder on an official trip to Paris?

A Yes.

Q I believe that was in May, 1944?

A Yes.

Q Did you go to Strasbourg?

A Yes.

Q Now what happened. Was Strasbourg on the original plan or why did you decide to stop at Strasbourg and whom were you visiting - whom was Professor Schroeder visiting?

A. The visit to Strasbourg was between the 20th and 30th of the 194[illegible] two weeks before the beginning of the invasion. We left Paris in the car for Strasbourg; because of the air situation we arrived in Strasbourg several hours late. If I remember correctly, we were to arrive at 8:00 in the morning but we arrived about 11:00. Then we visited the surgical clinic; that took about 2 hours. Then we visited an accident hospital in the city; that took about 1 hour. Then we had lunch. After that we visited Professor Mussche in the Eye Clinic. Then we visited Professor Duhem in the Hygiene Institute and we went to the physical institute or some such institute. At 7:00 o'clock we left -- 7:00 in the evening.

Q. Then you were in the Hygiene Institute of Professor Duhem. Did you see him personally?

A. Yes.

Q. At what background? Did Duhem conduct you?

A. Yes.

Q. Were you there? Were you personally always there the whole time?

A. Yes.

Q. Now will you please describe this visit to the clinic of Professor Duhem? Describe what took place -- what did you see and what did you hear?

A. The visit to the Hygiene Institute took about one hour. Professor Duhem took us to the lecture rooms, the laboratories, the study rooms, and finally we saw an animal kennel. Because of the many trips I had been in my life to many institutes. I had never seen such a large animal kennel. This was very unusual. It was quite unlike I had never seen before. There were [illegible] institutes which were otherwise quite good. There were very modern facilities in the institute.

Q. What was discussed?

A. The production of vaccines.

Q. Of what kind? What kind of material was discussed?

A. If I remember right, we discussed the production of typhus vaccine and it was.

Q. Did Professor Dugan say what else he was doing?

A. About the classes he held?

Q. Did he say anything about Hatzweiler?

A. No.

Q. And then you took your leave after an hour?

A. Yes.

Q. Schroeder, after he had become Medical Chief, was he away from the Office on [illegible] duty?

A. Not as frequently as before, when he was Fleet Physician; about 10 or 12 days a month sometimes.

Q. And for what purpose?

A. There were always difficulties to be overcome when assignments were arranged.

THE PRESIDENT: The Tribunal will now recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 5 February, at 0930 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 25 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunals, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in the courtroom with the exception of Defendant Oberheuser who is absent due to sickness.

THE PRESIDENT: I have the certificate from the American physician that the Defendant Oberheuser is unable to appear in court today and will be excused from appearance at the Tribunal and her absence will prejudice her case. I will file with the Secretary-General the physician's certificate.

Proceed with the proceedings.

DR. F. AUGUSTI ICK - Sworn

DIRECT EXAMINATION (Continued)

THE PRESIDENT: The witness is reminded he is still under oath.

DIRECT EXAMINATION:

Q. Witness, yesterday we stopped at the visit of Professor Sauerbruch in Strassburg.

A. Yes.

Q. Please begin again and describe your visit to the Institute and what did you see there?

A. We were attracted by Professor Sauerbruch, he showed us the first [illegible] lecture halls of the usual university arrangements of the Institute. As I said yesterday, we saw the large animal stalls. The

visit I estimate lasted one hour.

Q. Were experiments on human [illegible] mentioned in any connection [illegible] visit?

A. No, I would certainly remember that.

Q. That was the subject of the conversation?

A. The subject of the conversation was the production of vaccine.

Q. Was the manner of production discussed?

A. Yes, it was the production of typhus vaccine from rabbit lungs.

Q. Was anything said about what assignment this was?

A. That may be but I do not remember that in detail.

Q. An assignment for the production of vaccine should have been [illegible] in 1941 or 1942 by the Medical Inspectorate.

A. That may be.

Q. Do you know anything about that?

A. No, I do not know anything about it.

Q. While inspecting the Institute of Professor Rudolph [illegible] which might indicate experiments on human beings being [illegible]?

A. No, I do not. It was a pathological institute like any other.

Q. Then together with Professor Schroeder you left Strassbourg [illegible] evening?

A. Yes.

Q. Now, did you talk to Professor Schroeder about the visit to [illegible] your impressions?

A. Oh, yes. In the train we discussed the impressions which we had had during the day.

Q. What was the [illegible] you saw?

A. The individual impressions which we had had from the various institutes, for example, from the [illegible] out site visit, from the surgical [illegible] Professor Buchenwald — for selected cases and been demonstrated [illegible] was the animals were kept in the pathological institute which was [illegible] and the animals were very numerous.

Q. Now, if Professor Schroeder had gained the impression that Professor Ferguson or his institute was doing something objectionable contrary to the law would he have spoken to you about it at that time?

A. Yes, certainly. He certainly could have done that.

Q. Was it so that Professor Schroeder discussed things with you increasingly especially?

A. Yes, especially when Professor Schroeder was Fleet Physician, I was at the medical inspectorate, but as such, say once, he is only in operation, but still quite frequently.

Q. You went to see him at his office increased it was no longer possible to have the relationship as close because he was too busy?

A. Yes, and I was very busy too.

Q. Will you please tell us how Professor Schroeder acted towards you in the office and what was your general opinion of his attitude?

A. I was connected with him for a considerable time. I knew him especially well but to the other associates too, as Chief of the Medical Service, — the number increased from 25 to 30 technical experts, — he was always, I think so, a fatherly superior. He never acted like a chief commander as was sometimes the case.

Q. Was Professor Schroeder from a medical chief, that was the 1st of January 1944, what did he say about his possible attitude if he was ordered to do something which on for his own person would repudiate?

A. He told me at the time that he personally would conduct his [illegible] as was the case of a decent doctor, and in regard to the [illegible] for which he could not take the responsibility he would contact the [illegible] all possible means. Moreover, in a discussion about the 10th or 12th of December with all officers, non-commissioned officers and enlisted men, the female clerks were called together, he described his working [illegible] he stated his working program and then he expressed the limitations which were just mentioned in a form which could be readily understood.

Q. Can you remember any statement that he said he would leave the position immediately, he would give up his office, if he were suspected of public immoral?

A. Yes, he did not say that once to me but several times.

Q. [illegible], can you tell the Tribunal anything [illegible] about the [illegible] and [illegible] with each other?

A. Yes.

Q. Especially [illegible].

A. [illegible] was clearly a [illegible] with [illegible]. All the [illegible] I [illegible].

[illegible] 1943 [illegible] relationship was revealed. [illegible] 9,000 [illegible] between 12:10 and 12:15, [illegible] 43 soldiers. [illegible] public life.

[illegible] 300 [illegible] 300 [illegible] — altogether, [illegible]. [illegible] However, [illegible]. [illegible] — [illegible] order.

A. [illegible]

[illegible]

[illegible]

A. [illegible]

Q. [illegible] interest [illegible] [illegible] [illegible]

[illegible]

A. He was so shaken and disturbed by all the excitement of this [illegible] had to get a little time to [illegible], and in the next few days he [illegible] he thought of the whole th[illegible] filled he was of the [illegible] court at that time. He did [illegible] his language, and he [illegible] expressed his [illegible] court decision. [illegible]

Q. [illegible] commander with his subordinates [illegible] and the present moments of peace?

A. Yes.

Q. [illegible] him?

A. Yes. [illegible]

Q. [illegible]?

A. [illegible]

[illegible]

[illegible] released [illegible] and were politically [illegible]?

A. Yes, I [illegible].

Q. Will you please describe [illegible]?

A. One [illegible] Unit. This man was [illegible] witness [illegible] relationship with the court. [illegible].

Q. Did you give Doctor Jontsch a room in his office in Spalova?

A. Yes; it was my office.

Q. Now, Doctor, a few questions about the professional aspect. Did you or Schroeder take a personal interest in operation and patients on a doctor, and did he not personally inquire about various individual problems?

A. Yes; when we looked at a hospital, a military hospital or a civilian hospital, it was not an inspection. We just looked at it. And he visits in the ward were medical visits, and I often had the impression that even a specialist had able to learn one thing or another from Professor Schroeder. And his visiting the hospital were extremely critical and considerable for every one concerned. One saw all his love of the medical profession.

Q. What impression did you form of Professor Schroeder's attitude toward his medical profession and toward medical ethics?

A. Only the best opinion. I can only say that we always had the impression that he was an example to us in this respect, and we learned a lot with the client we were after and for our client population.

Q. How about his care for his patients?

A. That was the certain thing in which he took a special interest. The medical personnel in the institutions were really selected in time, too. In the clinic five years when I worked with him, I knew of only one doctor who had children. He left it early and had to dismissed with a child. He took an interest in the nurses and I can hardly remember an inspection, a visit to a clinic, or a medical installation that he did not speak to the nurses alone, at least briefly, where they told him their troubles and difficulties.

Q. Do you remember that Professor Schroeder, I believe, was in Dachau, with Professor [illegible] and Professor Gerhard Rose?

A. Yes; I am sure.

Q. [illegible]

A. In the Hospital Friesiche — no, in the Hospital St. Julpe, in Sol[illegible], in Petersham — in the Lutzwaffe hospital in Grosserp. That's also [illegible] the local civilian nurses, and German Red Cross nurses were also [illegible].

Q. Professor Gairdner told us that by most these Dutch nurses, and [illegible] the professional position seemed to was convinced of their officia[illegible] German nurses were also there.

A. Yes; I can confirm that. It was rather sad if a Dutch nurse was i[illegible] a ward, and the superior of the German Red Cross nurse.

Q. But the fact was that the [illegible] were to be given the hard responsibi[illegible] and?

A. Yes.

Q. [illegible] and [illegible]?

A. Yes.

Q. [illegible], Miss, [illegible] do you think we force [illegible] [illegible] of nursing which is considered [illegible] or standard? For example, [illegible] which is [illegible]?

A. I do recall that in a military [illegible], we selected [illegible] the medical service of the Luftwaffe.

Q. Did you find that [illegible] the film investigation [illegible]?

A. Yes.

Q. If the [illegible] in [illegible], the world the Luftwaffe, who [illegible], are fall short of?

A. [illegible] difficulty. There was no appropriate successor. The [illegible] reportedly had [illegible] the medical organization [illegible] Luftwaffe; therefore we did have an irreplaceable loss [illegible] medical service of the Luftwaffe. I knew the man fairly well. There was [illegible] medical service, of course [illegible] medical [illegible], [illegible] the [illegible] Luftwaffe, [illegible] the [illegible] would have been [illegible].

Q. [illegible]

A. [illegible]

Q Did you learn anything about it?

A Yes.

Q May I ask you what?

A I was told that the problem of making sea water drinkable was to be attacked, and then I heard that Dr. [illegible] had worked out a procedure that this was another procedure according to Berger, which was being tried out. I was interested in some [illegible] about the technical details, in conversation.

Q If it had been agreed that experiments were to be conducted with human subjects, where do you think they would have been carried out by Professor Schreiber?

A I know only that one day he talked to the Commanding Officer of the Military Academy of the Luftwaffe. He established contact with him in order to have members of the Academy, that is, young military students, for the experiments. It was not the first time that such such thing was done at the Academy. If I remember correctly, some years before, an experiment had been conducted with students; that is, with members of the Academy, to effects of parvitin and, if I remember correctly, students were mounted from sleeping for 70 hours, on parvitin.

Q Then, Professor Schreiber's efforts would have been to have such experiments carried out in the Luftwaffe's own schools?

A Most certainly.

Q It is my understanding that he would not lightly have considered any other possibility?

A And for what reason do you think that he would not be called on his own institutions first?

Q The Academy would have been very suitable because of the human material, if I may say so, but I could not see why the experiments should not be carried out there.

Q Do you know that, in addition to this military medical academy, there was a Luftwaffe hospital which was to be called upon?

A Yes; in Brandenburg.

Q How do you know that?

A I don't say any more, but I do know it.

Q Did Schroeder tell you that himself or did you hear that from some other source?

A I don't remember, but I only know what everybody was said about the Lutheran Hospital in Brunswick.

Q Would you believe that Professor Schroeder would have let any experiment carried out without having from everything in his power to make those experiments harmless for the subjects?

A Yes; I certainly believe it. Nothing else is possible in view of his inner attitude.

Q What was his attitude toward the SS? Was there any association per se involved?

A No; certainly not. That was a rather mere point with him. He did quite frost him.

Q You might say it was something distasteful to him?

A Yes.

Q Well, that is what you can say in general, then?

A Yes.

MR. KIRK: Then I have no further questions.

MR. TIPP:

Q Whether, may I ask, you know Dr. Becker-Freyseng?

A Since we were with the Institute I cooperate, although we did study together, but we did not know each other.

Q Was your acquaintance from that January 1944?

A Yes.

Q And you were with him until the end of the war?

A Until the beginning of April 1945.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] example. If the [illegible] Chief for any person [illegible] some special physician [illegible] call to his office [illegible] the special chief for the Chief of Staff and [illegible] a new special physician for such and such [illegible]. "[illegible] combined [illegible] the general staff the General Chief says 'Perhaps [illegible] that man.' I [illegible] different physician [illegible] different information. I was able to [illegible] and I did so. I was able [illegible] to be considered for the position. To [illegible] extent [illegible] of the [illegible] of officers and [illegible] officers but I [illegible] for physicians.

[illegible] the [illegible] in the case of [illegible] Lucker-Fredrick?

A. No, [illegible] in the [illegible] I [illegible] officers, [illegible] to [illegible] experience in his specialized field [illegible] service. [illegible] back to [illegible] [illegible] only [illegible] officers -- [illegible] lists, [illegible] chosen [illegible] information [illegible] to use in [illegible] [illegible] be able to make [illegible] 56

[illegible]ernment; the Medical Chief could [illegible] about each department only in general outlines. The details the Government has to remember and report.

Q. Then, if I may sum it up, [illegible] technical questions the referent [illegible] [illegible]. To give an example, [illegible] Medical Chief wanted some questions [illegible], for example, the question of Mi[illegible]-clinics needed, he could [illegible] referent Dr. [illegible] [illegible] he says 'This might be considered for [illegible]'.

A. Yes.

Q. And then Dr. [illegible] [illegible] specialist and called [illegible] from this specialist concerning [illegible] specialized research?

A. Yes.

Q. And [illegible] advice on technical things?

A. We had consulting physicians [illegible] aviation medicine.

Q. Now, do you know who was the consulting physician for aviation medicine?

A. Yes, [illegible] Prof. Dr. [illegible], Prof. [illegible] and Chorzele[illegible] surgeon.

Q. Now, you might call [illegible] witnesses on the called Chief [illegible] medical matters?

A. Yes, that's what they were.

Q. Now, Witness, [illegible] is called the General [illegible]. [illegible] Can you tell us who was [illegible] there in other departments [illegible] Internal medicine, for example?

A. Internal medicine? Yes. [illegible], Prof. Vesarder. Then [illegible] was there?

Q. Do you know anything about [illegible]?

A. Surgeon? Prof. Robb.

Q. Well, I think this question is settled. Now I will [illegible] [illegible]. Witness, Z., [illegible] is held responsible for [illegible] carried out in which [illegible] on the basis of the [illegible] that did so. I [illegible], of course, and the Tribunal [illegible]

[illegible] you were hired in two radical [illegible] only from 1941 on but [illegible] that Prof. Anthony was still [illegible] at your time and Lecturer-[illegible] his assistant for almost six months. Can you say that your mobility [illegible] Lecturer-Proper had for this time [illegible] appropriate in your opinion as [illegible] Anthony's assistant?

A. As I know Anthony he certainly did not let anyone take too much [illegible] from him. I can imagine that he gave Dr. Lecturer-Proper certain work to [illegible] but it seems to be possible to prove that by means of signatures. Let's look whether the files or some of the files are available.

[illegible] We will [illegible] the matter of signatures later, witness, but [illegible] you don't believe that Prof. [illegible] came up very much. [illegible] specific now, you know Prof. [illegible] and you probably know what he [illegible] to do with in the corporate sale. I [illegible] mentioned; they were [illegible] multiple corporations and civil [illegible]; do you know anything [illegible] it?

A. I think that [illegible] would have given up that type of [illegible].

Q. That [illegible] did [illegible]?

A. I don't [illegible] it, but it is my feeling, for this [illegible] I know, under the [illegible] fee [illegible], [illegible] was [illegible] directly without [illegible] the section chief and the [illegible] himself; and I think he [illegible] everything in his own hands [illegible] [illegible].

Q. I'm [illegible]. [illegible] about this: Did Prof. [illegible], in writing [illegible], [illegible] special field in which he was [illegible] in [illegible]?

A. That is [illegible] to me.

Q. [illegible]?

A. [illegible], I don't know.

Q. [illegible] just believe [illegible] of your [illegible] [illegible] [illegible] [illegible] work on those questions [illegible] to Dr. [illegible] only certain fields.

A. Yes, that is my [illegible].

Q. I'm [illegible]. Now in this [illegible], [illegible] Prof. [illegible], [illegible] it is in [illegible] Book 3, [illegible], [illegible] 22 [illegible]. It was [illegible] 20 286, [illegible] 87. [illegible] you have it [illegible].

A. Yes.

Q. It [illegible] [illegible] file note P. [illegible] [illegible] is addressed [illegible]

Premier SS: it is dated 6th of October, 1942. Witness, will you look at the signature; can you decipher and certifies the correctness there; do you know the signature?

A. Yes, that is the signature of Prof. Anthony, the referent for aviation medicine.

Q. Very well; now please look at the signature a little more [illegible] It reads: "Draft signed by order;" and under that 'True copy', and [illegible] as you just said. Now, can you look and explain to the Court what it [illegible] Luftwaffe correspondence there is such a notation on a letter.

A. Yes. It means at the top, 'Draft signed by order; if the chief inspector signs, he also signed by order because the heading read the Aviation Minister, etc. Since the [illegible] is not his own position, he signs "by order". That makes no difference whether it is the inspector or the chief of staff.

Q. Yes, it does not mean that there was a special order for this signature but that it was an administrative [illegible] for the chief of staff or the medical inspector to sign "by order of the Reich Aviation Minister."

A. Yes.

Q. Is that what Milch was the chief of staff at that time?

A. Yes, at that time.

Q. What does it mean if such a letter says, 'draft signed, [illegible] true copy, Anthony; what does that mean?

A. That means that Prof. Anthony worked out this letter and [illegible] it to the chief of staff. The chief of staff no doubt approved it [illegible] overall. But [illegible] that [illegible] changes were made here; perhaps [illegible] is to be produced so much [illegible] more and then he signed the [illegible] so, perhaps after correcting it, Anthony [illegible] submit it to chief of staff again. That is why it says draft signed.

Q. Does that mean that the draft of this letter was given by Prof. [illegible] to the chief of staff; that he signed the draft; that the letter was [illegible] it was [illegible] it signed [illegible]. That the person [illegible] the letter [illegible] it, that is by Anthony, and the [illegible]

certify this letter.

A. Yes.

Q. That was the general practice?

A. Yes, at that time.

Q. Now witness, just keep the document [illegible] there are some other [illegible] to it. I shall go over to [illegible]. You will that say [illegible] Flight Physician 2 you worked on personnel matters, and in [illegible] it is true that you were a referee for officer matters. Then I say [illegible] the right [illegible] I will ask about transfer and assignment of medical officers.

A. Yes.

Q. On the basis of this general knowledge, I should like to discuss with [illegible] three documents that have been submitted by the Prosecution; you already have the [illegible]. The first one is in the Screen Document Book, pp. 13, [illegible], in evidence; it was submitted as [illegible]; it is Prosecution's Exhibit 261. I shall ask

totally from this document. The heading reads: "The Reich Führer SS Personal Staff, Field Command Post, 24 August, 1942. To: Chief of SS Main Office, SS Gruppenführer Berger. Dear Gruppenführer: SS Hauptsturmführer Professor Dr. A. Hirt, Strassburg, who had a great part in the finding of the Institute for Military Scientific Research, you are urgently needed in our Medical Section. Oberarzt Karl Wimmer is at present in your medical section seven to work at the Anatomischen Institute at the University of Strassburg." The rest of the letter does not interest us; only the [illegible] SS- Obersturmführer -- it is [illegible] that that is Rudolf [illegible], the defendant.

Let us correct one thing. This is the Hygienic Medical Training Section.

Q Pak. The second letter I want to discuss with you is in Document Book No. 13, on page 30; it is [illegible] by the Prosecution as NO 193, Exhibit No. [illegible]. I shall quote from this [illegible]. First the heading: "Das Ahnenerbe, the Reich Institute Ahnenerbe, Berlin-Dahlem, [illegible], Secret; to: SS Obersturmbannführer Rudolf Brandt, Personal Staff Reich Führer SS, Berlin SW 11, [illegible]: Dr. Med. Karl Wimmer [illegible] Staffs, recommended by Luftwaffe Oberarzt [illegible], physician, for a place with the Anatomischen Institute of the University of Strassburg. Your Decree [illegible] effectively [illegible] Dr. Wimmer has been transferred to Wa. [illegible] Air Corps; [illegible] information given by Staffs [illegible] Berlin." The rest of the letter is of no interest. Now, I would like to ask this question on the basis of your knowledge of matters concerning officers; can you say whether [illegible] reports of the Staffs [illegible] of this service of Dr. Wimmer to the Institute in Strassburg, or whether this assignment was carried out by the medical inspectorate?

A. That happened in [illegible] this reason I can answer only on the basis of general knowledge. Left [illegible] I can transfer a physician with his consent from one [illegible] to another. There was no difficulty in that, transferring a physician to Strassburg.

Q. Strassburg was a very [illegible], wasn't it?

A. Yes. This [illegible] an inspectorate no doubt never [illegible] about. It is possible that the [illegible] Chief Physician, I think it was

center at that time, was informed about that; probably nobody else.

Q Then the medical inspector to probably did n't learn about that?

A No.

Q Now, from the first letter, what do you conclude from the second letter that he is to be transferred [illegible] to Wintoly; what do you think, now? Let me put it like this. [illegible] is transfer?

A Personnel office.

Q Then, the Reich [illegible] Ministry?

A Yes.

Q And can [illegible] transfer [illegible] medical officer from such a place would have taken place [illegible] in the Reich Division [illegible] had been about it?

A No, I [illegible]. [illegible] that the personnel office transferred him, without [illegible] the Inspectorate; but, that is not necessary. There were [illegible] seven thousand medical officers in the Luftwaffe.

Q Then you conclude that medical [illegible] knew about the transfer to [illegible]?

A [illegible]

Q. Now, witness, another document with a similar effect. I have it, too. It is again in Exhibit [illegible] on page 38, Document NO-198, Exhibit 256. It reads:

"The Reichsführer SS, Personal Staff, Field Command Post, 9 July 1942. Top Secret."

It is addressed to the Personal Referent of the Reich Marshal, Ministerial Counsellor, Dr. Gerneck.

"Dear Party Member Gerneck: Referring to our telephone conversation of the 3rd of June 1942, I request your support for a very quick re-transfer of Stabsarzt Dr. [illegible], Pohl and Wimber, who were transferred to the Eleventh Air Corps from the Luftwaffe Medical Training Department 7 to the Anatomical Institute of the University of Strassburg." The letter is signed SS Obersturmbannführer [illegible]. In view of the question just discussed, what do you conclude from this document, witness?

A. I must conclude that here again this took place without the knowledge of the Inspectorate. If the Inspectorate had participated in this action, the telephone conversation would have been sufficient to have the thing managed as desired and all these letters - I have seen four letters about Dr. Wimber already - all these letters would not have been necessary.

Q. Do you say, if the Medical Inspectorate had ordered this transfer to Strassburg, then a telephone call to the Anatomical Institute would have been enough? All this ...

A. Yes.

Q. ... correspondence would not have been necessary?

A. Yes, that is right.

Q. So that we can say with considerable certainty that this assignment was given without the knowledge of the Medical Inspectorate and according to this document was instigated by Luftwaffe Physician [illegible] in Munich?

A. Yes, that is my assumption.

Q. Now, witness, in the execution of these experiments yesterday Professor Holzlöhner played a special role. You, no doubt, know the name?

A. Yes.

Q. And it was said that in 1940 Professor Bielschner had a sea rescue station at the Channel coast. Do you know anything about that?

A. Yes.

Q. Very well, and it was said that the purpose of this station was to rescue pilots who had crashed in the Channel, is that right?

A. Yes.

Q. Now, can you say briefly how this station was organized and what observation opportunities they had?

A. Yes. The rescue station was at Vissant near Cap Gris Nez. From there one could see a large part of the Channel. That was why the station was out there in order to be able to rescue quickly because crashes of planes could actually be seen. That is why this station was set up there.

Q. And did this rescue station have the opportunity or the possibility of rescuing these pilots immediately?

A. Yes.

Q. What facilities did they have?

A. They had a motor cutter.

Q. And this boat was ready to start [illegible] the minute that over?

A. Yes.

Q. There is few probabilities between the time of the crash and rescue that could be only a few minutes, a matter of one hour perhaps?

A. But that is unexpected. One has to get there first. The Channel is thirty-one kilometers wide.

Q. Yes, I know, with [illegible]. I am speaking of generally the probable cases.

A. Yes.

Q. Now, in any these rescue stations had such facilities that there was only a short time between the crash and the rescue?

A. Yes.

Q. Now, do you know how long Professor Bielschner was there?

A. No, I don't know that.

Q. Do you know whether this rescue station had carried out frequent

rescues?

A. There were eight or twelve here on rescue.

Q. During your time?

A. Yes, During my time.

Q. And Professor Hellschner remained there longer?

A. That I cannot say. I do not know.

Q. But you will be able to say this: Professor Hellschner gained great experience with the treatment of cold?

A. Yes, one must admit that.

Q. And Schroeder knew that, too?

A. Yes.

Q. Schroeder was there [illegible] you recall? Was he ever there?

A. Not with me. I [illegible] independently.

Q. But you know that Schroeder was there?

A. Yes.

DR. [illegible]: I [illegible] no.

DR. KRAUSS: Dr. Krauss for the defendant Professor Rostock. Mr. President, I ask permission to ask a single question for your information and to avoid misunderstandings.

CROSS-EXAMINATION

BY DR. [illegible]:

Q. There is a German university clinic with the name "Rostock". Witness, [illegible] certified that Professor Anthony was deferred for the medical polyclinic Rostock, then you meant, did you not, the medical polyclinic at the University of Rostock?

A. Yes, of course.

Q. Not the clinic of Professor Rostock?

A. No. It was the medical university clinic of the city of Rostock.

DR. KRAUSS: I thank you. I have no further questions.

THE PRESIDENT: [illegible] further questions of this witness by the defense counsel? There being none, the prosecution may cross-examine.

MR. HARDY: May it please Your Honor, I have no questions [illegible]

the witness for cross-examination.

DR. MARX: I have no further questions to the witness Augustinick.

THE PRESIDENT: The witness may be excused.

DR. MARX: Mr. President, I now have another witness, but before I begin with the witness Witt, I might suggest a recess so that I do not have to cut the examination in two.

THE PRESIDENT: The Tribunal will be in recess.

[illegible]

Part I

[illegible] The Trial [illegible]

[illegible] Mr. Pritchett, I understand, has called [illegible] Mr. Pritchett [illegible] behalf of Schroeder. Mr. [illegible] called [illegible] Mr. [illegible] Dick, [illegible] a reasonable length [illegible] the character of the [illegible]. The witness [illegible] Mr. Pritchett is Mr. Gillis, [illegible] third [illegible] witness. [illegible] to call [illegible] witness.

[illegible] This is a very [illegible] in this case [illegible] witnesses [illegible] character witnesses [illegible] called [illegible] Mr. Schroeder.

[illegible] witnesses [illegible] called [illegible] Schroeder [illegible] testimony.

[illegible]

[illegible] witnesses [illegible] Mr. [illegible] Mr. [illegible] Mr. [illegible] Mr. [illegible] Mr. [illegible] Mr. [illegible] Mr. [illegible] witnesses [illegible]

THE PRESIDENT: What is your view on the matter?

DR. [illegible]: May it please the Tribunal, the defense is of the opinion that more time would be lost if the Prosecution and the Defense would engage in discussion as to whether or not certain witnesses should be examined. The witness, Dr. Will, has been approved.

THE PRESIDENT: Counsel, the Tribunal will hear witness Fritz Will rather briefly on the character if the witness will testify as to facts. If the witness testifies as to facts, that is a different question. The Tribunal would be inclined to put a limit on the witnesses who testify only as to the matter of character. In this case the witness will be heard, but on the matter of character only, and rather briefly.

The Marshal will [illegible] witness, Dr. Will.

FRITZ WILL, a witness, took the stand and testified as follows:

BY MR. SEMMLER:

Q. Hold up your right hand and be sworn repeating after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY [illegible]:

Q. [illegible], did you please give the Tribunal your full name?

A. My name is Fritz Will.

Q. [illegible] were you born?

A. I was born on the [illegible] of June, [illegible].

Q. What is your [illegible]?

A. Reader-[illegible], [illegible].

Q. [illegible] profession?

A. I am a [illegible]. As a result, I am the Deputy [illegible] of the [illegible] Trade of Berlin.

Q. Will you please [illegible] the Tribunal a brief [illegible] professional history?

A. I passed my state medical examination 1910. In 1912, I [illegible] started as a dentist. I represented the interests of my colleagues. In 1924, I received the request to come to Berlin as General Secretary of the Reich Union of Dentists. I remained General Secretary until the [illegible] 1933. When this organization was reconstructed, I lost my position. I gained the position of expert because I belonged to a free Jewish lodge. I had to take care of subordinate work, especially questions pertaining to insurance. I also had to take care of the dental treatment in the [illegible] sector.

In this capacity, I came into acquaintance of many medical officers, among them was Professor Schroeder. At the outbreak of the war, it [illegible] that the dental supply had not been secured to a sufficient extent. I, therefore, furnished the experience which I had gained [illegible] profession and I was conscripted into the Luftwaffe.

In 1940, I was then transferred to the Medical Inspectorate of the Luftwaffe. I served there until the final collapse.

Q. Therefore, you knew Professor Schroeder for a long period of time officially. Do you know his [illegible] private conduct?

A. Yes. I knew the Professor for private dealings quite long. Our relationship was a very friendly one. We had mutual friends, and we also attended certain functions and concerts together. This relationship [illegible] during the entire course of the war, although it that the [illegible] of Professor Schroeder, until in 1944, he finally [illegible] with as Inspector.

Q. Now, you were in particularly close official contact with [illegible]?

A. Yes. Professor Schroeder lived in the [illegible], and I was in [illegible] to deal with the individual [illegible].

Q. [illegible] the official assignment of Professor Schroeder [illegible]?

A. At the outbreak of the war, Professor Schroeder, first as [illegible], and then as staff officer in the Inspectorate. In 1940, he became an [illegible] of [illegible] Flak II. Then he was in the [illegible] Southern Theater of

Operations, until 1944, when he became Medical Inspector.

Q During the time Professor Schroeder was physician of Air Fleet, were you in Berlin with the Medical Inspectorate?

A Yes.

Q During this period of time, did Professor Schroeder

[illegible] Professor Hippke in his capacity as [illegible] for the Luftwaffe? [illegible] Army?

A. [illegible] has never been his deputy. His deputy was Generalstabsarzt [illegible].

Q. [illegible] did you have the opportunity to observe Professor Schroeder during his assignment as Air Fleet Physician in Berlin, and did you have the opportunity to see his [illegible] to him during that period of time?

A. Professor Schroeder visited Berlin on very rare occasions only. As far as I can remember, only two or three times. However, I have repeatedly visited him in his various offices because my official duties [illegible] me to travel to units of the Luftwaffe and to obtain information about the extent of dental care [illegible].

Q. Where was [illegible]?

A. In a part that was in Belgium. And I have also been [illegible], Smolensk, [illegible] Italy and also in Greece.

Q. [illegible] you remember approximately [illegible] in the year, 1942, you visited [illegible] there?

A. I had also visited him in 1943, too.

Q. [illegible] he already in Italy at that time?

A. Yes, at that time [illegible] already in Italy.

Q. Therefore, during the [illegible]-year period, Schroeder only visited Berlin [illegible] three times?

A. Yes.

Q. Because from the beginning of 1940 until the end of [illegible] was assigned as Air Fleet [illegible].

A. Yes.

Q. Can you tell us something about the [illegible] between Schroeder, [illegible] this period of time, and any other [illegible] connected with the [illegible] stories?

A. [illegible] I visited [illegible] I visited [illegible] respectfully asked me what actually [illegible] the I'spectors do.

Q And were you able to give him any information about that?

A Only as far as my special field was concerned.

A When Professor Schroeder became chief of the medical service, did you also remain referent for medical supplies under him?

A Yes. I remained in this position until the final collapse.

Q What was the collaboration between the referents, the specialist experts and Dr. Schroeder?

A The relationship of the expert specialists among each other and to Schroeder was fundamentally changed when Professor Schroeder began to occupy the position of Medical Inspector. While Professor Hippke only had a few of the expert specialists report to him, Professor Schroeder availed himself of every opportunity in order to have direct contact with the expert specialist. I was never told once to report to Professor Hippke, but Professor Schroeder called me to see him very frequently, especially since he had a special interest in the dental field.

Q Did Dr. Schroeder have special duties in his capacity as Chief of the medical service to which he devoted his special interest?

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

this extraordinary difficult field [illegible] to be included in his work.

Q. He never told you anything about the freezing, or high altitude experiments?

A. I have never heard anything about them.

Q. What was his knowledge about the concentration camps?

A. I could not tell you that, because we never discussed the subject. That is a field of which very little was generally known. [illegible] of Orientory, but also of the fact that we were living in Berlin.

Q. Witness, I should now like to ask you, on the basis of your acquaintance [illegible] with [illegible] Schroeder, to give us a description of your judgment of him, Dr. Schroeder, as a human being, as a soldier, [illegible] as a physician, [illegible] also, [illegible] his attitude towards the [illegible] and his general [illegible]. [illegible], I must [illegible] to be as brief as possible, [illegible] which is [illegible] by the Tribunal.

A. [illegible] Schroeder [illegible] extraordinarily [illegible] striving, [illegible] whole medical [illegible] in the [illegible] Ger[illegible], [illegible] circumstances that he [illegible] never [illegible] suggestion. [illegible] that he [illegible] Inspector of [illegible] Medical Service. The special [illegible] the fact that [illegible] his pictures [illegible] [illegible] his views on [illegible] of duty and [illegible].

There were discouragements at times. Just [illegible] of which he seriously considered this morning, it was only the feeling that he had to fulfill his duty, and his care for the radical students, and his specialized work at the [illegible] were pushing the way for a [illegible] tendency. It is because of this that he failed to lay down his office. I do not remember that he has ever placed the Nazi Ideology, or any part of it, in the forefront. But at the end of his speeches, [illegible] before the staff, he always asked us to pursue close work, and to strictly fulfill our duty, duty, he also required us to be on our guard for Germany.

[illegible] the best time of his professional life was at the time he spent in the one-hundred-thousand-man army, where he was influenced by political romanticism, and he was not influenced by politics at all. His care for the [illegible], strong [illegible], and the importance of the [illegible] with [illegible] in discussions with the radical [illegible] of the war, [illegible] the [illegible] service, [illegible] accounts, and as a result of [illegible] very [illegible] in these circles.

I will like to [illegible] radical [illegible]. [illegible] trivial [illegible], but [illegible]. In [illegible], [illegible] of [illegible], and [illegible] of justice, and [illegible] a pure [illegible] of [illegible].

Mr. [illegible] the [illegible], [illegible] do not [illegible].

DR. [illegible] (for the defendant Becker-[illegible]):

May it please the Tribunal, the witness [illegible] also been approved to testify on behalf of Dr. Becker-[illegible]. First he is to testify as to the character; and, [illegible], he is to testify for his activities as a referent in general; third, he is to testify as to the relationship between Dr. Becker-[illegible] and [illegible] higher superior.

I believe that I can assume his activities as a referent has been clarified to a sufficient extent. This has been done by Professor Schroeder as well as by Dr. Augustinick, and therefore I shall not have more questions on this matter to put to the witness.

In order to comply with the ruling of the Tribunal, that not too many character witnesses should testify here for the individual defendants, I also refrain from [illegible] the character of Dr. Becker-[illegible].

I, therefore, confine myself to the questions which refer to the relationship of Dr. Becker-[illegible] with his superior.

Q. [illegible], when did you join the organization of Dr. Becker-[illegible]?

A. Dr. Becker-[illegible], I believe it was in 1943. He came into the Medical Inspectorate as an assistant referent. [illegible] the Department for [illegible] which was directed by Professor Altheer.

Q. And, [illegible] Inspectorate is the department for Aviation Medicine at that time?

A. Yes.

Q. And, you worked in the Medical Department, that is, in the 2nd Medical Department?

A. Yes, in the [illegible].

Q. Very well —

A. (Interposing) [illegible], our [illegible].

Q. And, we have heard today that the Fuehrer did not give the authority to make [illegible] that he only [illegible] but a private authority; then the [illegible] Aviation Medicine by the [illegible] I [illegible] to which I [illegible], [illegible] is that correct?

A. Yes, that is correct.

Q. And, you knew both the section heads?

A. Yes.

Q. Who were the superiors of Dr. Becker-Freyseng and yourself?

A. Dr. Mertius, and in the end it was Colonel Mure.

Q. Now, can you tell us what specialized training had been given to these gentlemen whom you have just mentioned?

A. First of all Dr. Mertius was a Pathologist, formerly in the old Army, and I do not know who his predecessor was. Mure was a SHAEF physician; he, he was an eye physician, and he came from the front where he was also a pilot. He had obtained a large [illegible] knowledge of aviation problems.

Q. And, therefore, both of these men were in a certain way experts on the questions of aviation medicine?

A. Yes, certainly.

Q. Now, what was your personal attitude? Were you very critical or did you frequently, personally, intervene in the decisions?

A. If you asked me that in such a way, then I must say it was not easy to work together with them. Both of those men were really critical, and they were very exact to the last small details, and they were very hard in their criticism [illegible] which had been submitted to them.

Q. Were these criticisms and these interventions limited to things of a personal nature or did they also intervene in decisions which had been made in fact in special work?

A. Both ways, I assume, [illegible] in the same way with Dr. Becker-Freyseng as they acted towards me, [illegible] I participated in the work to a high degree.

Q. Well, that can be assumed, because as you have just stated, both men were also experts in the field of aviation medicine, but not in your field?

A. No.

[illegible] clarifications. [illegible] resolve in [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

possible for him to [illegible] quickly to comply with his orders.

Q Therefore, it was impossible for Dr. Becker-Freyseng to issue such an order by himself?

A Yes, that is [illegible] out of the question.

DR. TIPP: I have no more questions, your Honor.

THE PRESIDENT: [illegible] may cross examine the witness.

CROSS EXAMINATION

BY MR. [illegible]:

Q Witness, if I understood you correctly, you stated that the defendant Schroeder [illegible] the sea-water experiments; is that correct?

A Dr. Becker-Freyseng told me that.

Q When did he tell you that?

A That must have been [illegible] of a visit of Dr. Schroeder at [illegible]. I still remember that I [illegible] the visitor, [illegible] Becker-Freyseng told me that [illegible] Dr. Schroeder [illegible] and [illegible].

Q [illegible] did [illegible] tell you that?

A [illegible]

Q [illegible]

A [illegible], at Galow.

Q [illegible] sea-water experiment?

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

that for a [illegible].

Q. You have a bottle, can [illegible]?

A. Yes.

Q. You can put a [illegible]?

A. Yes.

Q. And, Doctor-Physician actually not do [illegible] to kill you about this, did not?

A. No, I only [illegible] because I was curious about the [illegible] of the physician [illegible]. However, I am convinced [illegible] if such [illegible] had been carried out that [illegible] would [illegible] something about it because since we were living [illegible], we frequently discussed all possible [illegible].

Q. [illegible] Affidavit [illegible].

[illegible]: If [illegible] a [illegible] of [illegible] times, the [illegible] may be [illegible].

(The witness [illegible] Affidavit).

Q. [illegible]: Now if [illegible], [illegible] Dr. [illegible] Affidavit [illegible] from [illegible] No. 1, I [illegible] Affidavit, [illegible] with the [illegible] recently [illegible] by Colonel [illegible], [illegible] [illegible] [illegible] before [illegible] [illegible] to talk to Dr. [illegible], but [illegible] if such a [illegible] [illegible] to [illegible]. It is [illegible] [illegible] [illegible].

Court 1

THE PRESIDENT: The Tribunal would be satisfied with the suggestion made by counsel for the prosecution. If counsel for the defendants desires simply to make the available, the document number, to have it introduced in the exhibit, giving a brief resume of the document, it may be received in evidence without reading.

Dr. [illegible]: May it please the Tribunal, I accordingly shall try to limit the presentation of the documents as much as possible. However, it is impossible for me to omit to read certain important passages in the document.

THE PRESIDENT: The counsel is entirely correct. It was not the intention of the Tribunal to limit the reading of important documents. I was referring only to character witnesses.

Dr. [illegible]: May it please the Tribunal: [illegible] document, the [illegible] which [illegible] itself [illegible] groups. The members of [illegible] various conferences. It is [illegible] the president of the Central Committee of the International [illegible] Dr. Frick; a statement by the [illegible] for priests Dr. [illegible] is president of the Charity [illegible] the Grand Duchy [illegible] by the Jesuit Priest Ernst Lorenz. These priests, [illegible], know Mr. Schweitzer from their [illegible] the International Society, in which all of them were [illegible]. Dr. [illegible], who is a Jesuit priest, was a priv. 1st class in the medical service during the war; and he knows Mr. Schweitzer when he was the medical officer of Air Fleet 2. These three priests have [illegible] ..../...

is a Protestant, they make statements about the generally clear, human and positive attitude of Dr. Schroeder towards religion and his refutation of national socialism and its forcible methods.

The second group contains well-known scientists, who certify about the professional activity and the professional concepts of Professor Schroeder. In the third group of the documents I have taken it upon myself to present a number of documents which indicate the non-participation of Schroeder in the experiments with which he has been charged, about hepatitis, typhus, and similar other experiments.

MR. MARRY: Do I understand correctly that Dr. Marx at this time is offering exhibits 1, 2, and 3, or is he merely explaining that he is going to offer them and offer them separately later?

THE PRESIDENT: I understood counsel was simply explaining the documents to the Tribunal.

MR. MARRY: Thank You.

DR. MARX: That is the state of affairs, Mr. President; and I only wanted to show into what groups the document book is divided. I am also of the opinion that this was clearly indicated. From the affidavit of Pastor Brick I take it upon myself to read the following, which is Paragraph 2.

THE PRESIDENT: Counsel, I understand that you are offering this document as an exhibit in the case and reading from it?

DR. MARX: Yes.

THE PRESIDENT: Very well.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

signed statement and doesn't have any resemblance to a document which would be admissible here.

DR. MARX: May it please the Tribunal, the objection on the part of the prosecution is justified in itself because the document does not comply with the rulings which the Tribunal has given on affidavits. However, it can be considered admissible as evidence if the previous exchange of letters and correspondence is submitted and if it is stated for what reasons the Prelate Dr. Kreutz refused to give an affidavit. I therefore, request that I be given permission briefly to give information on the exchange of correspondence which preceded this statement; or may I read the letter which Dr. Kreutz addressed to me?

MR. HARDY: I might add at this time, your Honor, that Dr. Marx has two or three other documents of a similar nature in his document book; and it might be well that we take them all up at the same time and avoid my having to make objections later.

THE PRESIDENT: [illegible] rulings for the admission of these documents are that they be made under oath or by way of a statement in lieu of oath; and this document, at least, complies with neither one of those requirements.

DR. MARX: I have your permission, Mr. President, here we deal with an absolutely important one Prelate of the Catholic Church, who, solely on the basis of religious considerations, has refused to give an affidavit. [illegible] cannot be any doubt that this statement corresponds to the truth; and I therefore request permission to submit the correspondence which was written by Dr.

Brants and myself in this matter and which indicates for what reasons Dr. Brigts has refused to give a statement in lieu of an oath.

THE PRESIDENT: This precise question was presented to the Tribunal with a similar statement by a Catholic Protonotar a few days since; and the affidavit was rejected because it was neither made under oath nor did it contain any statement that it was made in lieu of an oath, under knowledge of the penalties of perjury for false swearing, or words to that effect. Is counsel aware of any legal authority for the admission of any such document as this? Any legal precedent or authority?

DR. MEX: I beg your pardon, Mr. President. I believe that if the correspondence containing the reasons for this were submitted, then the exhibit which has been offered would be rationally be admitted.

THE PRESIDENT: Is counsel aware of any authority in German law for the admission of such a statement as this? The Tribunal would examine the correspondence referred to by counsel. Counsel will hand that correspondence to the Secretary General and the Tribunal will consider it. I assume, however, it is in the German language. Are there translations from German?

DR. MEX: No, we do not have the translation, Mr. President; but this could be done now.

THE PRESIDENT: The Tribunal will be glad if counsel will during the noon recess ascertain whether or not there is any provision in German law for the admission in evidence of such a statement as this. The Tribunal will again consider the matter when the Tribunal sits at 1:30. The Tribunal will now be in recess.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1700 hours.)

THE MARSHAL: The Tribunal is again in session.

DR. MARX: Mr. President, as for the statement of Prelate Dr. Kreutz, I should like to withdraw it. The affidavit of Pastor Frick and of Ernst Lutze has confirmed these facts sufficiently.

THE PRESIDENT: Of course, if counsel procures the affidavit in another form, it may be offered later.

DR. MARX: Very well, I understand, Mr. President. I shall take the liberty if it is possible to offer the document later.

The following documents from 1 to 9 are affidavits of a number of scientists, of well-known scientists, with whom the defendant Schroeder worked for years. They testified to Professor Schroeder's attitude toward the medical profession, science, and research, and in addition gave information about his attitude as a human being and his attitude toward the party.

I shall take the liberty of reading from the affidavit of professor H. Buckly De La Camp. This is on page 12 of the document book, and it says on page 1, at the very bottom, the first paragraph:

"1. Mr. Schroeder had a very high conception of the profession of physician. He was one of the few high-ranking medical officers who were not only administrative officials of the medical service and superior officers, but who kept the standard of the medical profession high and who had remained physicians. I never again during the whole war met another high-ranking active medical officer who had such a deep and thorough understanding as Mr. Schroeder, although I came in contact with a very great number of high-ranking medical officers."

I shall omit the next part but the next paragraph reads:

"I should like to stress especially, as regards the treatment of wounded prisoners of war, he always judged from the physician's point of view and always did everything and had everything done that was within his reach and that was possible in order to help the wounded prisoners.

"The hospitals within the jurisdiction of Airfleet 2 were exemplary. Mr. Schroeder's visits to hospitals were always welcomed by the physicians because he inspected the hospitals, their installations, and work as a physician and not as a superior officer."

And then I should like to speak of the political attitude of Mr. Schroeder as this witness sees it. It says that he had nothing to do with national socialism or any outgrowth of national socialism.

I offer this affidavit as Exhibit - I offered the Lotze affidavit as Exhibit No. 2 and Buerkle De La Camp affidavit as Exhibit No. 3. I ask that both exhibits be admitted.

The following affidavit of Professor Dr. Huenermann I offer in evidence and I would give it exhibit No. 4. I ask that this exhibit be admitted in evidence.

MR. HARDY: This Document No. 5 is similar to Exhibit No. 2, which does not contain any jurat as prescribed by the rules and regulations of the Tribunal, and, therefore, I object to the admission of this document in evidence.

DR. MARX: Mr. President, unfortunately, it has not added in the document that the Huenermann affidavit was certified by a notary at Duesseldorf.

MR. HARDY: I will withdraw my objection.

DR. MARX: The next affidavit is an affidavit of Professor Dr. H. Sieymann, Director of the Pathological Institute in Muenster, Westphalia. He is a Professor at the University of Muenster. This affidavit also deals with Schroeder's attitude toward the medical profession and the medical ethics. I offer this affidavit as Exhibit No. 5.

THE PRESIDENT: That is Document No. 6?

DR. MARX: Yes, in my document book it is No. 6. It will be given exhibit number 5, because one affidavit was left out of this statement, namely Dr. Kreuts.

The next affidavit is an affidavit of Professor Dr. Strugwold.

Mr. President, this Professor Strugwold is a man who worked with Professor Schroeder for many years. Professor Strugwold was in the United States for many years. He knows the American Universities from New England to the Middle West and now again he is working in a high position at the American Aviation Medical Institute at Heidelberg. He will be called to the United States again. I think that this affidavit has particular importance since Professor Strugwold is well known for his reserve in judging other people and I believe that his words should be given special

weight, because of his international reputation.

I merely offer this affidavit in Evidence as No. 6, Exhibit No. 6.

The next document is an affidavit by Professor Dr. Woski. Professor Dr. Woski lives in Berlin. He has also testified to his knowledge of the character and professional attitude of Dr. Schroeder. I offer this affidavit in evidence as Exhibit No. 7.

The next exhibit is an affidavit of Professor Dr. Wilhelm Schroeder, Director of Miners' Union Hospital and Chief Physician of the surgical department. I merely offer this affidavit. I shall not read it. But, on page 2 under 3 (b) I would like to read something. It says:

"Attitude towards the wounded and sick:

"In his care for the wounded and sick, Professor Schroeder continuously tried to get the best specialists for the hospitals and to assist them as much as he could in their work as well as with their equipment. He himself took every occasion to assist at operations, inform himself about the methods of treatment and their results, and to convince himself of the truth of the statements."

This would be Exhibit 6. I ask that it be admitted under this number.

The next exhibit is an affidavit of the University Professor Erwin Gohrbandt in Berlin, Medical Director of the Robert Koch Hospital. From this document I should like to read only paragraph 2 on page 2. It says: "Regarding Professor Schroeder's attitude towards the wounded and the sick, I wish to state the following: Professor Schroeder always made every endeavour to supply medical billets and medical treatment of the wounded and sick. I often accompanied him on his hospital inspections. Everywhere - whenever possible - he assisted, with advice and assistance etc. so that I have never known another physician who took greater care of the wounded and sick than Professor Schroeder. He always insisted upon the best treatment for the wounded of other nations as that for the German wounded."

Further down it says:

"Professor Schroeder had no connections with the NSDAP nor did he sympathize any. On the contrary, he on his frequently remarked that he declined to be drawn into this and often criticized the movement. As far as I know, Professor Schroeder neither belonged to the NSDAP nor to any of the affiliated organizations.

Professor Erwin Gohrbandt"

I ask that this exhibit be entitled as Schroeder Exhibit 7.

Now I come to the next document. This is an affidavit of Frau Louise von Oertzen. She has known Professor Schroeder since 1937. She met him at the international hospital congress in Berlin. She says:

"In my capacity as Generaloberin of the German Red Cross, Dr. Schroeder won my esteem through his ardent care for the work of the German and the International Red Cross and the welfare of his patients. I repeatedly inspected field hospitals together with him and noticed that he never treated his patients as a military superior but as a warm-hearted and understanding physician. His attitude towards the nurses was likewise respectful and considerate."

I merely offer the rest of the document. I shall not read it. I offer it as Exhibit 10.

Now I come to Exhibit 12. This is an affidavit of Karin Hupperts.

DR. MARX: May it please your Honors, this exhibit is not in the proper form hence I object to its admission in evidence as it does not comply with regulations set forth by the Tribunal. It has no jurat at all. It is a no proerble - nothing that bears semblance of a proper affidavit.

DR. MARX: Mr. President, this is an affidavit which is offered only provisionally. Karin Hupperts was a prosecution witness for the defendant but she has not been able to get here yet. For that reason I should be ask to be allowed to call her as a witness later if she should come. This statement of Karin Hupperts was given before an American officer, Captain Mahoney.

MR. PRESIDENT: No such certificate is shown in the English document book.

DR. MARX: You are correct, your Honor. No certificate is shown but in so much as it had a jurate by an American officer I withdraw my objection. I will allow the document to be entered.

DR. MARX: I give this Exhibit No. Now I come to the next document. It is an affidavit of Mrs. Renate Poitsch, Flight Captain, of the 22 of December 1946. This affidavit, as well as the

next was I from Otto Ohlendorf, [illegible] speech [illegible] behavior. I merely offer this document, the affidavit [illegible] dated 12 and the minor affidavits dated 13. From the affidavit of [illegible] I would like to read a sentence. At the end, the last paragraph, the crystal [illegible]

"From 2 October 1943 to 30 August 1944, a part of the institute was evacuated to [illegible] in a demountable by the Commerzrat on account of the [illegible] of military [illegible]. During this period [illegible] Professor Dr. [illegible] was the second [illegible] [illegible] against [illegible] and [illegible] with the [illegible] side of the [illegible]."

Now I come to the next document. This is an affidavit of the architect Heinrich Wilhelm Hermann. [illegible] of the architect [illegible] Architect Dietzel. This [illegible] a [illegible] building [illegible] in Berlin. [illegible] Exhibit # 14.

Now I come to the next document. It is the heading "Hygiene". It is an excerpt of a lecture Dr. [illegible] gave in Berlin, 17 January 1947. I would [illegible] all of this [illegible]. It is not very [illegible] [illegible] clarification.

"[illegible] Professor Dr. [illegible], [illegible] (Concentration camps) [illegible], [illegible] 12 years, [illegible] scientific connection. Dr. [illegible] military [illegible] Chief of the Medical Service of [illegible] Hygiene [illegible]. I, myself, was employed with the [illegible] inspection. [illegible] for [illegible] the [illegible] the [illegible] the [illegible] the [illegible] the [illegible] the [illegible]

"[illegible] the [illegible] of [illegible] of [illegible] of [illegible]

epidemics of humans, I declare the following:

"1) Neither Professor Schroeder, nor any other branch of the medical service of the Luftwaffe, ever gave me any order to carry out experiments on humans with hepatitis infection, and I never made such experiments.

"2) I never approached Professor Schroeder with the request, to carry out experiments on humans with hepatitis infection.

"3) It was my task, within the framework of the activity of a consulting specialist for internal diseases, to care for medical treatment of and clinical research on soldiers suffering from hepatitis, sent to Luftwaffe hospitals, especially to the Luftwaffe hospitals at Greifswald and at Swinemünde. In order to carry out this task, I approached hygienists and pathologists, for the purpose of solving the important special problems difficult, however, excluding the limits of my activity by experiments with infection of humans.

"For the purpose of research on hepatitis, I worked together with Professor Dr. Schroeder, chief of the pathologic institute of the Freiburg University, the professor Dr. Dreyer, chief of the hygiene institute of the Freiburg University, as well as Dr. Hempel, chief of the hygiene institute of the Strasbourg University."

This affidavit will be Schroeder Document 25.

Now, I come to the affidavit of Professor Dr. H. F. Beck, pages 56 and 57 in my document book. Professor Beck is the chief physician at the Medical University Clinic at Tuebingen. I now offer this exhibit as Schroeder Exhibit No. 15.

The next exhibit is on page 58 to 59 in my document book. It is an affidavit of Professor Dr. Franz Buchner, Freiburg i. Br., Professor of Pathology and Director of the Pathologic Institute of the University of Freiburg of 9 January 1947. This is a very short document. With the permission of the Tribunal I shall read all of it:

Buchner: "I was neither a member of the party nor of its organizations. From my speech made in November of 1941 about the 'Oath of Hippocrates', which has since been published, my general attitude may be judged. For political reasons and also because of this speech, my call to Frankfurt/Main in the spring of 1942 and to Berlin in the fall of 1942, was rejected. In November, 1943, the SD at Freiburg demanded my immediate dismissal from office.

"Regarding the case:

"My cooperation with Professor Dr. Haagen consisted in the adenoscopical examination of his experimental animals.

"Nothing was known to me of an intention of Professor Haagen or of an order to him to perform any experiments on human subjects, within the framework of his experiments. I never received a letter of the kind directed by Professor Haagen to Professor Holt (27 June 1944), much less any corresponding letter from Professor Dr. Schroeder or Dr. Becker-Freyseng or any other expert specialist, with the Chief of the Medical Service of the Luftwaffe. Nor do I know whether within the framework of the research order any experiments on human subjects, in particular enforced human experiments have been performed at any time by Professor Haagen." I ask that this affidavit be admitted as Schroeder Exhibit 17.

The next document is an affidavit of Professor Dr. Buchschwardt of 21 January 1947. Professor Dr. Buchschwardt has the following to say:

"The Institute for medical research at Strassbourg was, as a part of the university, subordinate to the Dean of the medical faculty. The Chief of the Medical Service of the Luftwaffe had nothing to do with this institute. The task of the institute was research in clinical problems, to carry out which special experts and chemical and physics installations were required."

The next paragraph says: "As a surgeon I know of Professor Hoven's research work on hepatitis epidemics only insofar as he requested me to supply him with material for experiments, especially nasal smears, pharyngeal smears, gastric analysis, etc. of that small number of surgical patients, who were in my clinic (for instance 'appendicitis') and hepatitis. I never learned of 'jaundice-experiments on humans,' that is, the carrying out of artificial infection of hepatitis of healthy persons. Nor did I ever learn of any such command or order by any one in this respect."

I offer this exhibit as Schroeder Exhibit No. 18

Now I come to the subject of typhus. First, there is an excerpt from the Diary of Dr. Ding - entry on the 17th of March 1942. An entry from the 8th of March. Document 263 of the Prosecution. On page 1331 of the German transcript the Prosecution echoed the responsibility of the defendant Schroeder in these experiments from the last entry by saying, that the defendant Professor Hoven was under the control of the defendant Schroeder at the time. From the entry in Dr. Ding's Diary of 17 March 1942, however, one can see that Professor Hoven was section chief of the Institute Robert Koch in Berlin-Dahlem and not as a medical officer of the Luftwaffe.

THE PRESIDENT: Is this exhibit in written form? It does not seem to be contained in your document book - in the English document book.

DR. FLATT: That is in the German transcript. That is on Page 36 - a check-back No. 12. That was not translated, I am sorry, Mr. President, because it is a Prosecution document. It is Document 263 - Prosecution Book 12 - Document 267.

THE PRESIDENT: Counsel, is the portion of the exhibit of which you just referred - did you read from the Prosecution exhibit that portion of it - the exhibit?

DR. MARX: Yes, that is Prosecution exhibit 287. Probably that is why it is not translated because the English text is already before the Tribunal.

THE PRESIDENT: My question was whether you read from that Prosecution exhibit?

DR. MARX: No, Mr. President, I did not read the Prosecution exhibit.

MR. HARDY: If it please Your Honor, I think it is most unusual for Dr. Marx to have these go in as exhibits and give them a number. He brought all these questions up to the defendant Schroeder when he was on the stand.....

THE PRESIDENT: (interrupting): I did not understand that Counsel for Schroeder had offered these as his own exhibits.

MR. HARDY: He has them marked as exhibits in the document book index and I was wondering if he was going to continue to follow that course.

THE PRESIDENT: They are not contained in our English document book.

MR. HARDY: They are in the index and he has given some argument in the index. He says: "Exhibit 20 - referring to the Ding Diary."

JUDGE SEBRING: I think this might be done, Mr. Hardy. Did you offer the entire Ding Diary?

MR. HARDY: We certainly did, Your Honor.

DR. MARX: Mr. President, I'm commenting on oral statements of the Prosecution in the German transcript, Page 1313 in the German transcript. May I read this passage?

"Excerpt from the Diary of the Section for typhus and virus research at the Institute of Hygiene of the Waffen SS, 17 March 1942:

"Visit of Professor Gildemeister and Professor Rose, Section Chief for Tropical Medicine at the Robert Koch Institute, at the experimental station. All experimental subjects have contracted typhus except for two, where it will be ascertained later that they had already had typhus during an epidemic when they were in the police prison in Berlin. SS-Hauptsturmführer Dr. Ding contracted typhus and is in the hospital in Berlin. SS-Hauptsturmführer Wirth, post physician of the Waffen SS in Wolhyn, is, in the meantime, taking care of the stations at Blocks 46 and 47."

Then the further entry: 8th of March to 18th of March - "typhus experiments by initiation of Professor Rose." That does not apply here because we want to prove that in this matter Professor Rose was acting as section chief for tropical medicine at the Robert Koch Institute and not as a medical officer of the Luftwaffe. I offer this as Exhibit 19.

THE PRESIDENT: Let me understand, Counsel, just what you are offering as Exhibit 19. A portion of the Ding Diary which is already in evidence?

MR. MARX: Yes. That is an excerpt from the Prosecution Document book, Document 266. In the German document book 12 on page 36.

THE PRESIDENT: The Ding Diary, being already in evidence, including the portion to which Counsel is now referring, it is not necessary - indeed, it is improper to offer that in evidence again. It will be available to Counsel to use in argument, whether by way of brief or oral argument or any reference that Counsel desires to make to it, but it is not properly offered in evidence a second time.

MR. MARX: I submit, Your Honor, that Counsel has the same thought in mind in connection with several other documents, and I think we might dispose of this going through this procedure again.

DR. MARX: Mr. President, I withdraw this document. Then I come to the subject of sea-water experiments and I submit an affidavit from the podiatrician, Dr. Ludwig Herrmannsen, who is at present in Hirshberg, of the 9 of January 1947, and also an affidavit from Generalstabsarzt Dr. Friedrich Schmidt.

THE PRESIDENT: The first affidavit to which counsel referred is not in our English document book; the second affidavit, by Friedrich Schmidt is so included, but the first is not.

DR. MARX: I cannot understand that, Mr. President. It was turned in for translation as far as I know. I put it once over the right.....

THE PRESIDENT: The translation may be supplied and the affidavit offered but the next affidavit in the English document book is on page 72, that page following page 51, the other pages being omitted, and this is numbered Schroeder Exhibit #25; we have that.

DR. MARX: This is an affidavit of the former Generalstabsarzt Dr. Friedrich Schmidt. As the Tribunal will remember, the Defendant Schroeder pointed out that Dr. Schmidt was assistant of the Medical Academy of the Luftwaffe at the time -- and had to resort to Dr. Schmidt to get experimental subjects from the students there. I shall read the paragraph which concerns this subject:

"I knew officially that at the beginning of the winter term 1941, the office of the Chief of the Medical Services sent an inquiry whether students of the Academy could be used as volunteers for sea water experiments. I do not remember details of this inquiry, in particular I do not recall the date and whether this inquiry was made orally or by telephone. This request had to be heeded, as studies could not be interrupted during the term and as at the beginning of the university vacations the only students who were not required for practical work in military or internal hospitals (especially service for reinhands), ordered to attend the officers' training school, or to work for their

examination, had to be drafted to medical service at the front in accordance with the Academy's training schedule. If it had not been for these difficulties regarding time, I would have had no objections to have my students take part in the experiments as volunteers. I never heard anything more about the experiments and their execution. Before the end of the university vacations in the fall of 1944, all students of the Academy, except those who were preparing for their examination, joined the Medical Service in the field on account of developments at the Western front."

"Dr. Schmidt, General Stabsarzt."

I offer this as Schroeder Exhibit 15.

The next exhibit is a report of Professor Kolk, of the 13th of March 1945, about hepatitis research.

MR. LAMM: Obviously, this next exhibit purports to be a German document, a report dated 13 March 1945. Throughout the presentation of this case on the part of the Prosecution, we have in every instance submitted with the German document a certificate stating that this is an original German document and setting forth were the document was obtained; and it has been the procedure thus far that any admission of any documentary evidence, supported documents or otherwise, to contain or should have attached thereto such certificates in order to be admitted before this Tribunal. Now this obviously is a report by Professor Kolk and has no substantiation whatsoever. Therefore I object to the admission of this document at this time.

DR. KEK: Mr. President, I should like permission to submit the original report later if there are objections to the admissibility now; then I shall dispense with offering it at the present time if I may have the opportunity of doing so later.

THE PRESIDENT: The objection on the part of the Prosecution is well taken but counsel for the Defendant Schroeder may offer the document later with the proper description, where it came from, where it was found, etc., authenticating the document, which should be offered to the Prosecution so that it may be studied in advance. Then when it is offered to the Tribunal,

the Tribunal will consider any arguments that are made by either side and rule on the admission or non-admissibility of the document.

DR. [illegible]: Mr. President, I have a statement from a number of high German medical officers, officers of the Wehrmacht and the Luftwaffe, who are in a prisoner-of-war camp at the present time but who have all declared themselves willing to subject themselves to such non-water experiments as were conducted at one time in the Dachau Lager. These gentlemen have declared themselves willing to do this because they have confidence in Professor Schroeder that he would never lightly authorize any such thing. I shall not submit this document today, however, because it is not in the proper form. I have just been informed that it is not translated. I ask to reserve the right to submit this affidavit later, when it has been translated.

THE PRESIDENT: Counsel may submit the document to the Tribunal at some later date. When all those documents which are not now in condition to be offered to the Tribunal are ready, if counsel will advise the Tribunal, the Tribunal will fix a time when those documents may be offered, after notice to the Prosecution.

DR. [illegible]: Thank you, Mr. President, I have concluded the submission of documents and thus I have finished the case for the defense of the Defendant Schroeder.

THE PRESIDENT: The Tribunal notes that the counsel for Defendant Schroeder has closed his case, with the reservation that the documents to which he referred may be offered at some later time.

I will hand to the Secretary General the original document that was submitted to the Tribunal this morning.

[illegible]

DR. [illegible]: I am counsel for the Defendant Dr. Karl Gebhardt.

THE PRESIDENT: You may proceed.

DR. [illegible]: With the permission of the Tribunal, I call the Defendant Gebhardt to the witness stand.

THE PRESIDENT: The Defendant Karl Gebhardt will take the witness-stand.

KARL GEBHARDT, a defendant, 3773 took the stand and testified as follows:

JUDGE SEBRING: The defendant will raise his right hand and be sworn, repeating after me: "I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: You may sit down.

BIOGRAPHICAL

BY DR. NEUMEL:

Q Witness, when and where were you born?

A On the 8th of June 1885, in Preetz, in Holstein. I attended the gymnasium (high school) in Kiel and then the Gymnasium in Ratzeburg and in 1906 I graduated there. Then I studied medicine, first in Tuebingen, in the first semester I served for 1 year as a volunteer musketeer; then in Marburg in 1908 I took my physical examination and then I studied in Munich and in Kiel. In 1911 I took my State examination and shortly after that the doctor's examination. I was an intern at Flensburg at the city hospital under Professor Vogelhaut as a surgeon and under Professor Spenkel as Professor of internal medicine. With the permission of the ministry I interrupted my year as an intern for 3 months and took part in a commercial expedition to Spanish Morocco. Then after my year as an intern in August 1912 I became active in the Navy. Until the war I was flotilla physician of a torpedo boat flotilla; assistant physician on a ship of the line. In the spring of 1913 I went to our colony Tsingtau in East Asia and I was there when the first world war broke out. I participated in the campaign at Tsingtau against Japan. In 1915 I returned home by way of Honolulu and America. Then I was a ship physician on a cruiser. I participated in the battle of Skagerrak.

The Commander of the submarines was on board for a day. I was a physician on his staff at the same time. From 1915 until 1917 I helped organize the Medical Service in submarines.

Q. What did you do after the First World War?

A. By the least of the war I was forced to look for a new method of livelihood. I settled down in my home town as a practicing physician, and I practiced for 13 years. Then for health reasons I had to look for a new position as an official doctor, and from inclination and love for my own profession of medical officer, I returned to the Navy. As a reserve officer I entered the Naval Medical Department in the Reich Ministry.

Q. What Ministry was that?

A. It was the Reichswehr Ministry, the Reich Defense Ministry. It was not possible to be reactivated here, therefore in 1935 I reported to the Waffen SS.

Q. When did you join the NSDAP?

A. In 1926.

Q. Did you ever have any function in the Party?

A. No, I have no function in the Party.

Q. Why did you join the NSDAP?

A. There were primarily social reasons which moved me at the time. After the First World War had been lost and the economic crises of the inflation, I saw German youth on the streets unemployed. The program of the Party provided for alleviating of these conditions by productive employment organization. I saw also the peasants forced out of their farms. The program of the Party provided for alleviation through a law to protect the debts of the farmers, and the farmers were left to be protected by the law regarding inheritance farms. Another reason which motivated me was the fact that I was influenced by the idea that the employment is to be the basis of evaluation of the Political Economy.

Q. You have already said in 1936 you joined the SS. Is that true?

A. Yes, I joined with the rank of Oberstabsarzt. That would be the rank of major in the American Army. In the SS it was equivalent to a Sturmbannführer.

Q. What was your last rank in the SS?

A. I was SS Gruppenführer.

Q. After you had had a good medical practice for 15 years why did you give up this profession and join the Party or rather the SS?

A. I have already said that there were reasons of health which induced me to look for another profession, and that I had an inclination to the class of a medical officer.

Q. What was your position in the SS?

A. I was a referent in the SS Medical Office, under SS Oberführer Grawitz. Later I became Section Chief in this Medical Office. The supply of personnel and set rules that went through my medical office for concentration camps, from 1937 until the beginning of the War in 1939.

Q. And what did you do after the beginning of the War?

A. At the beginning of the War I helped to set up a division. In my capacity as divisional physician I set up a medical section for this armoured division. In 1940, in April, I was called back from the Western Front and then I became the head of the SS Medical Office or the Office SF, the information of the SS Hauptamter SS Main Office. This medical office had been set up at the same time. My medical office was added to the SS Main Office, the SS Hauptamt VII.

Q. Did you hold this position until the last?

A. I held the position until the end of the War.

Q. The Prosecution charges from September 1939 until April [illegible] conspiracy with the other defendants to commit war crimes and crimes against humanity. In this connection I ask you to answer the following question: Do you know all of the other 22 co-defendants personally, and did you meet with the defendants?

A. I know only half of the 22 defendants. The other half I met here in prison.

Q. Does you know eleven?

A. Yes.

Q. Who are they?

A. Sievers, Rose, Ruff, Brack, Romberg, Becker-Freyseng, Weltz, Schaefer, Bieglbock, Pokorny, and Haven. Those I met here in the prison.

Q. And you knew the name of the defendant Haven, didn't you? What did you know about him?

A. Well, I had heard that he was a physician at the Concentration Camp Buchenwald and the other eleven I had known them personally before.

Q. With which of them did you have official discussions and in what field?

A. I was at Professor Brandt's office on Siegelstrasse once. The reason was that I was to discuss with him the appointment of Wehrmacht and civilian sector doctors to the Waffen SS. Then I talked to the defendant Rudolph Brandt once briefly in his office on some matter and correspondence, and Professor Handloser I talked to him personally three times in his office. The subject was the transfer of the doctors from the Wehrmacht of the Army to the Waffen SS, and another time we discussed the decontamination companies and the third discussion with Professor Handloser was in my office. He came to see me in order to inquire about the SS physician who was to be appointed to his section as Chief of the Wehrmacht Medical Service, but the Reichsfuehrer Himmler did not approve this. Then as Medical Chief of the Waffen SS I was called to two discussions with Professor Handloser as Chief of the Wehrmacht Medical Service where the other medical inspectors of the various branches of the Wehrmacht were also present. First it was a question of the distribution of medical students. The Luftwaffe had to give us several hundred medical students and the other time it was a question of the spiritual care for hospital patients.

Q And what did you discuss with Professor Schroeder?

A I had no personal or official talks with Professor Schroeder. I merely met him at these discussions with Professor Handloser which I have just mentioned.

Q Then how about Professor Gebhardt, Professor Mrugowsky and Dr. Poppendick?

A I met Gebhardt in peacetime as chief of the Hohenlychen Sanatorium which was a world famous specialised clinic for sport and accident surgery in peacetime. At the beginning of the war Professor Gebhardt came to the Waffen SS and was in a special confidential relationship as physician with Himmler since he had been a friend of the Reich Fuehrer in his youth.

During the whole war he was active as surgical adviser at the main medical points of wounded. Since he was at the front most of the time and worked as a surgeon there, and the rest of the time he was busy at Hohenlychen, he came to my office very rarely and he reported to me about his surgical experiences at the front. At the same time he was surgical adviser to the Organisation Todt and in the "Volksdeutsche Mittelstelle", the racial German agency. From August 1943 on, on the occasion of the reorganisation of the SS medical service, Professor Gebhardt as chief clinician assumed the office of the Reich Physician SS and Police. I did not participate in any conference with him, the subject of which might have been to undertake experiments on living human beings.

Q How about Professor Mrugowsky?

A I met Professor Mrugowsky before the war in 1937 when he came to me as the first active hygienist, and in peacetime he established a hygiene laboratory in Berlin. In the war he was first a medical company chief. He was in the campaign in the west. Then he returned from there and in 1941 he became chief of the Hygiene Institute of the Waffen SS which was developed from the hygiene laboratory when the Waffen SS was created. He was at the same time the head of the hygienic service in my office, the office chief in my office, and until August 1943 at the time of the reorganisation of the medical service which I have already mentioned, he was under my command.

After this time he entered the office of the Reich Physician SS and Police with his hygiene institute, but for budget purposes he retained the name Hygiene Institute of the Waffen SS. During his activity in my office he had the usual tasks of a hygienist for troops at the front and at home. Outside of my office with his institute he had hygienic, scientific duties of the Reich Physician and he was the senior specialist.

I did not participate in any conference with him either, the subject of which was scientific experiments on human beings.

Q. And Dr. Poppendick?

A. During the war and before that, Dr. Poppendick was directing physician of the Aerztliches Zentralamt Office and he was also an associate with the Reich Physician SS. In August 1943, at this time which I have mentioned, he was given the title Chief of the Personnel Office in the office of the Reich Physician. I met him rather seldom. I talked to him rather seldom on official business since the Reich Physician, Dr. Grawitz, usually received me alone. I did not participate with him in any conference concerning experiments or research on living human beings.

Q. You have said that with these three physicians you never planned, ordered or carried out experiments on human beings and never discussed this?

A. Yes.

Q. Did you ever discuss this with any of the other defendants?

A. No.

Q. Did you yourself ever plan, order or carry out such experiments?

A. No.

Q. In your scientific medical meetings or lectures did you participate during the war?

A. I attended the congresses of consulting medical officers, once in 1942 in Berlin, and once in 1943 in Rehenlychen. I heard other lectures in the medical society in Berlin, about four to six a year, and then the Reich Physician in his office in 1942 had a few lectures.

I remember the following subjects: A lecture of a corps physician

who came from the front and reported on his experiences at the front concerning the transport and treatment of wounded. Another lecture was given by a member of the SS main office concerning recruiting. The directing physician of the racial German agency held a lecture about the medical service with the German settlers.

Then there was another lecture by a Professor Hauer in Berlin who told of his experiences as a physician in the first world war in Africa. Then another time the physician of the National Political Training Institutions told of his experiences in the medical service with the students of the institution. Then the Reich Physician also organized two lectures in the police state hospital in Berlin, the purpose of which was to have the police and SS doctors both together. The subjects were ballistics and a examining of bones. And another time it was on hereditary biology and the study of twins, and there were corresponding lectures in the SS hospital in Berlin, once about x-ray science of the stomach and the intestinal track, and another time about the autopsy findings of the SS hospital in Prague.

Then, in the Ministry of the Interior at the invitation of the Reich Health Leader Conti, I attended the lectures presented by the health leaders of Italy and Finland about the health systems in their countries.

Q. That is a complete list of the lectures which you attended during the war?

A. The ones that I can remember, yes.

Q. Did you attend any medical lecture of discussion concerning the ordering or execution of experiments on concentration camp inmates with which you are charged by the prosecution?

A. No.

Q. Were there direct connections between your office and the office of General or Reich Commissioner Professor Brandt?

A. No.

Q. Is it true that in 1942 Grafe ordered that you were not to contact Brandt, Conti, or SS men, office chiefs, without his approval?

A. Yes, that is true.

Q. Is it true that you heard in conversation with Grawitz of a statement of Himmler that Professor Brandt should not interfere in the medical service of the SS?

A. Yes, I heard that statement from Grawitz.

Q. To whom were the Waffen SS divisions at the front, assigned to the Army — to whom were they subordinate as far as the medical service is concerned?

A. Our divisional medicos at the front were under the corps army or army group physicians of the Army, but they were under the Army Medical Inspectorate or the Chief of the Medical Service.

Q. And the troops at home?

A. They were under the medical office of the Waffen SS.

THE PRESIDENT: The Tribunal will now be in recess.

(Recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. MERKEL: May it please the Tribunal, before the recess we stopped at the relationship of subordination with regard to the SS troops.

BY DR. MERKEL:

Q. Where did you have mutual points of contact with the chiefs of the three branches of the Wehrmacht?

A. The point of contact was the assignment of medical officers on the part of the branches of the Wehrmacht to the Waffen SS. At that time there existed a big shortage in medical officers. Furthermore, the Waffen SS was looking all reserve medical officers because these had been conscripted, even before the war, by the branches of the Wehrmacht.

Q. Were these medical officers furnished to the Waffen SS gladly?

A. As a result of this shortage of medical officers, big difficulties prevailed and I had to fight for almost every one of the medical officers.

Q. Could you perhaps give an example of that to the Tribunal?

A. In the year 1940 - in November of that year - I had to furnish medical officers for a newly established division and I had to request 64 medical officers for that purpose. After long negotiations I received the last part of the 64 medical officers in June of the following year.

On another occasion, as a result of the wounded catastrophe, which has already been mentioned here and which was mentioned by Professor Brandt in connection with Vienna, by order of the Fuehrer I personally had to turn six SS physicians over to the Army. Out of the six four were not returned to me.

Q. Did you have the impression that the medical chiefs of the Luftwaffe and the Navy gladly subordinated themselves to the agency of the Chief of the Wehrmacht Medical Service, which was established in 1942?

A. No, I had the impression that they did not like this measure at all.

Q. And why?

A. The conditions with the branches of the Wehrmacht, in particular in the case of the Luftwaffe and the Navy, were compared to the conditions

which prevailed with the Army and they varied too much from these conditions. I heard from the Navy that the Commander in Chief of the Navy considered the Office of the Chief of the Wehrmacht Medical Service as an interference in his field of competence.

Q. Was the Reich physician, Dr. Grawitz, subordinated to the Chief of the Wehrmacht Medical Service, prof. Dr. Handloser?

A. Grawitz considered himself to be in an equal position with Dr. Conti. Dr. Grawitz felt himself to be in the same position as Dr. Conti. However, this was not specified in the Fuehrer's decree.

Q. What Fuehrer decree are you referring to?

A. I am referring to the Fuehrer decree which established the position of the Chief of the Wehrmacht Medical Service, which was ordered to the Reich Commissioner. And Himmler was not interested in removing this unclear situation that prevailed because he was striving for more power.

Q. I am now coming to your contact with Himmler. What was your relationship with Himmler? Did he establish clear conditions in the supreme medical relation, or not.

A. The first trial in this courtroom has shown that Himmler had two intentions. One was power to Hitler, and the other to the members of the Nazi SS, and in the [illegible] he tried to obtain all the power in the State. In order to do this he had to camouflage most of his aims, and in this way he used to play out one power against the other, and in this way he left the supreme medical leadership in complete anarchy, and he played out several physicians against Gravitz.

Q. Was any physician individually [illegible] against him?

A. Through medical consultations, he made Himmler have his confidence, Gravitz was completely removed from the close proximity of Himmler. As I have already stated, Professor Schwarz was in a special relationship of confidence to Himmler, since he had been a friend since his youth, and, furthermore, surrounded his closest surroundings, there belonged a Swedish-speaking Swedish doctor, who also had been a friend of Himmler during his student time. Then there was also in Dr. Ferenbach, an specialist for internal medicine, and the fourth person, and he included that person that [illegible] in Dr. [illegible] was a civilian. He was not a member of the SS. [illegible] referred to Dr. Gravitz, and although Gravitz was a professor of [illegible] medicine, he appointed this Dr. Ferenbach as a family physician. In Poland he established a research institute for him in order to carry out his short research, and he also supported him with funds and other financial means. Furthermore, this research station belonged to an agency of the Waffen SS, the so-called Wirtschaft Prüfungs-[illegible] where he was active as a bacteriologist. As a fourth medical consultant, Himmler trusted a certain Dr. Mockter, who was a civilian Dutchman, who illegally practised for seven school semesters in Finland, [illegible] to Himmler's house every day.

Q. Did Himmler also include your person into this group?

A. Yes, he invited me to join them. When, in the year 1940 or 1941, the

position of the Reich physician was to bring to shape, then I was told that I did not know the position of the Reich physician. I strictly refused [illegible], and finally I was informed through my military superior, Obergruppenführer Juettner, that if Gerhard and Grawitz cannot get along together, then the whole thing should be called to a halt.

Q. During your five years activity as medical chief of the Waffen SS, how many times did you personally talk to Himmler?

A. During the entire war I have only talked to him on two occasions. The first time was in his headquarters in the field, that was in August 1943, when I had been invited to see him together with Grawitz and Gebhardt, in order to discuss the reorganization of the medical service of the SS. At that time, although it was previously not prepared, all the four office chiefs, and all medical institutions and other medical establishments were called from all of the [illegible].

Q. What was the discussion, and how was the mood?

A. The second time I took place in April 1942, on the occasion of a discussion with the Italian Commander Officer, in the Führer's [illegible]. Before the beginning of the meeting Himmler took me aside, and he reproached me very bitterly, that too [illegible] were given for too little to eat. I had him [illegible] short time previously, the bread and potato ration had been cut by the authorities. On this occasion I also mentioned the subject of the medical [illegible] hospital of one of the Waffen-SS which had been ordered by Himmler. He alleged the matter to be for a reason which was lying [illegible] that were [illegible], and I gave him to understand that [illegible] I was [illegible] understand [illegible], and that I could not understand his logic.

Q. Did you [illegible] the ill will of Hitler in other cases?

A. Yes; in the [illegible] I had to terminate out the previously [illegible] Dr. Freudenberg, because he proved in my field of competence, [illegible] contact with Hitler. On the other occasion, [illegible] consisting of [illegible] by the Reichsführer SS, I was forced

[illegible] write a certain letter, and as Obersturmbannführer Berger informed me later on, Himmler had also been very excited when he read this particular letter.

Q. Was there any other serious incident between you and Himmler later on?

A. In the spring of 1942 there was a regular break. From the Reichsführer SS Establishment Office, Himmler had received a report from one of his Referents about a garrison in Poland which suffered a venereal disease rate of 79 percent. This report was not based on any facts, and immediately afterwards, I had this matter investigated by an SS medical officer, and completely normal conditions prevailed at that post. Himmler sent this letter together with an enclosure to all main offices of the SS and the Army, with an endorsement which was to be read everywhere. In this letter he described the SS medical officers as having forgotten their duties and their honor, and when this letter was read in the Referent meeting of the SS leadership main office, I took an exception and I stated, in front of approximately 40 officers: "Even Reichsführer Himmler cannot talk to Wehrmacht officers."

Q. Did Himmler find out about this statement which you made then?

A. No. Later Obersturmbannführer Fegelein, who participated in this meeting, informed Himmler of it and he reported that to me later.

Q. What did you do then?

A. I told Obersturmbannführer Jeuttner, my military superior, that he would take over my office, and I told the Reich physician SS Dr. Grawitz that disciplinary measures would be taken against me. However this punishment was not executed.

Q. How what results did your relationship to Himmler have in the following time?

A. I had the feeling that personally I had become a "persona ingrata et incerta" with him and that I had lost all his confidence.

Q. Will you please tell us that in German now, witness?

A. Well, I think the expression "persona ingrata et incerta" means that he did not include me in his confidence anymore.

Q. Did you want to have a small theological article printed during the war?

A. In the Spring of 1944 I wrote a small theological work which I wanted to have printed privately in order to be able to distribute it in a circle of friends in England. However, the regulation was that all publications had to be submitted to him and this is exactly what I did. He wrote a personal letter to me and again its contents were very insulting to me and he refused to have this religious article printed.

Q. And one final question in this complex. What distinctions and awards did you receive during the war?

A. I considered distinction that I was not well-liked by Hitler and that in August of 1941 I was given the War Merit Cross as my last distinction. However, since August 1941, I was not given any further awards.

Q Now, Dr. Gerken, I am coming to your relationship to Reich Physician SS Dr. Grawitz. How long did you know the Reich Physician, and can you give us a judgment about his personality?

A I knew Grawitz since my entry into the Waffen-SS. That was in 1936. With regard to his person, I can say that Grawitz was a very regular human being. He was very smooth in his speech. He was scheming, a matter of fact person and he was an outstanding organizer. In any case he knew how to show off his organization, and he was very ambitious. His ambition was connected with his care for his position and which, of course resulted suspicion and a certain amount of inner insecurity; and in spite of his experience in matters, his behavior and his speech —

Q And what were the effects of this on your relationship to Grawitz?

A Grawitz was fifteen years younger than I, and we were two human beings with completely different temperaments. As a result of this, certain frictions existed.

Q At the outbreak of the war did you have an argument with him?

A Before the war and from 1936 to 1939, we were able to work together extremely well, and at the beginning of the war I was given a command at the front which I have previously mentioned, and he tried — together with the Chief of Staff who was then Sturmbannführer Dr. Berditzel — to keep the command at the front which had been given to me. They wanted to go to the front, and I was to remain at home. However, I was able to keep my position, and Grawitz told me on a later occasion that I had stepped very much on his foot.

Q As you have just stated, for quite a time in the first years of the war he completely received from his authority by Himmler, and what results did this have?

A Then Gr with his his field of tasks. He interfered in my military field of responsibility constantly.

Q And what interference did he carry out?

A With my Adjutants, he interfered with my military authority which I had generally given to me by my superior, Obergruppenführer

Luettner. Furthermore, he tried without my knowledge to obtain information from some of my referents, and he gave them the order that they were not to inform me of that fact. Furthermore, he also interfered in my correspondence, and he even did not hesitate in violating the secrecy of the mails.

Q What measures did you take then?

A Since I considered this interference as a disturbance of my work, I reported this to my military superior. The latter approached Grawitz on that subject, and at that time a line was made distinctly between our fields of tasks, and he also told the Reich Physician of his right to issue directives and instructions and also to the field of scientific planning and research, and he gave me the authority in the Medical Service of the units.

Q That is the Medical Service of the Waffen-SS?

A Yes.

Q Was it emphasized in that respect that the institutes and pharmaceutical establishments of the Waffen-SS were further to be available to the Reich Physician for his research requirements?

A. Yes.

Q. You have just mentioned the right of the Reich Physician to issue instructions and to carry out inspections. Can you give more details about that subject to the Tribunal, what you understand by that?

A. The Reich Physician had the authority to inspect and to issue instructions to all institutes and to all units and all hospitals of the Waffen-SS and to give technical orders there without first going through regular army channels.

Q. Does it also apply in particular to secret orders?

A. Yes. We were able to determine how many people were to obtain information about these orders.

Q. Did Grawitz ever tell you about his secret research assignments?

A. No. He never gave me any insight into this field of work.

Q. Why not?

A. According to the knowledge which I have obtained now, I think it was for the following reasons: first of all, there was the well-known Führer's Decree for Secrecy, the so-called Führer Decree No. 1, and, secondly, Grawitz knew that I had always a personal hatred of incorporation with Himmler, and I had the feeling that he had been instructed by Himmler not to tell me about his secret matters. I further had the feeling that after he had been removed from his position of authority, he saw in this field of scientific research a possibility to become indispensable with Himmler.

Q. Did you know anything about his secret research assignments from any other source?

A. No. I was surprised to discover from the trial here that he was actually participating in most of these experiments, but at that time, of course, I did not know anything about it.

Q. Did you know, for example, anything about the Department for Special Military Research in the Ahnenerbe?

A. No, I did not know anything about it.

Q. Now, a final question to this whole complex: did you at any other time conspire with Greveits and Winkler to commit crimes and war crimes against humanity?

A. No, sir.

Q. Witness, I am now coming to another complex of questions. You were chief of the medical service of the Waffen SS and in order to give the Tribunal a clear picture of your position and your activity I am now asking you to answer the following question: When was the Waffen SS established and what had been its predecessor?

A. The Waffen SS was established in the summer of 1940 from the SS Verfuegungstruppe and the SS Death Head units.

Q. And how much personnel the Waffen SS have at the beginning and at the end of the war?

A. The Waffen SS had approximately thirty-six thousand men at the outbreak of the war. It was composed of the Verfuegungstruppe and the Death Head units, and when the Waffen SS was established it numbered thirty-six thousand men. That is a number which I obtained from the files of the first trial. At that time prior to the campaign in the west four divisions were activated; however, the fourth division was composed of police, SS, and the Luftwaffe units. At the end of the war there were twenty-six divisions in the field. Together with the replacements, troops at home, the Waffen SS numbered 500,000 men. I have obtained this figure also from the first trial. Together with legions, I followed the work through the files of the Waffen SS, there were altogether 600,000 and yet the losses of the Waffen SS can be estimated approximately 320,000. At that time fifteen divisions were still being formed or raised. That was before the end of the war.

Q. And what medical units were included in the SS divisions?

A. In the case of the first twelve divisions the medical units of divisions consisted of two medical companies, one field hospital, and medical trains - two hospital trains. They consisted of thirty main cars. Later on the field hospital or medical company was withdrawn. This was because of the lack of personnel and material.

Q. At the beginning, if the medical units of the Waffen SS were established?

A. A. Some medical units did not exist at the beginning

war. They all had to be established.

Q. And what was the entire medical personnel that was subordinated to you at the beginning and at the end of the war?

A. At the beginning of the war there were approximately 800 men and at the end there were approximately thirty thousand.

Q. What was the status of the medical schools?

A. At the outbreak of the war the SS medical academy was at my disposal for the training of the medical officers, and two medical schools. At the end of the war there were thirteen medical schools or special schools.

Q. And how many hospitals were at the disposal of the Waffen SS?

A. At the beginning we had two hospitals, one near - one at Berlin and one in Munich, and at the end of the war we had more than sixty, and about half of them were fully equipped with clinical equipment, and the other ones were specialized hospitals. These hospitals, just like our divisions, they were located all over the occupied territories and in the Reich. They were in Finnland, the Eastern Front, the Southern Front, also in France and the Netherlands, and, therefore, it was very difficult to take care of the supervision of these hospitals. And, therefore, this took too much time. We were unable to take the necessary care of all these hospitals.

Q. Were there any medical depots, and what was their task?

A. At the outbreak of the war we had the main medical depot at Berlin, and towards the end of the war we had eight of these depots. And their task was to supply the units at the front and at home with appropriate medical material and equipment, and with medicine and dressings and things of that kind, and to furnish the necessary equipment to the hospitals.

Q. Furthermore, you also had hygienic institutes?

A. At the outbreak of the war we had the hygienic institute of the Waffen SS, and by August 1942, it was the highest time these institutes were subordinated to me, we added six further institutes, and while this

first institute was the only one which was located at home in Berlin, the remaining six institutes were located in the occupied territories. They were at Sign, Ahnac, Jeppotrowez, Kiew, Reichkow, and Belbach.

Q. Now, how did your organization work at the Waffen SS? Would it vary from that of the medical inspectorate, the three branches of the Wehrmacht?

A. The three inspectorates of the branches of the Wehrmacht were able to work on the experiences which they had gained in peacetime. But the figures which I have given with regard to the Waffen SS indicate the organization of the medical service of the Waffen SS had to be newly established and under conditions of war. In contrast to the medical inspectorates of the branches of the Wehrmacht, we did not have the field of scientific research and planning in my agency. I also did not have the title of inspector.

Q. And at that time who took care of the scientific research and planning within the SS?

A. It was exclusively dealt with by the Reich Physician SS. That was for the entire organization of the SS and police.

Q. And in what field did you now have to overcome the greatest difficulties?

A. I have already mentioned that the biggest calamity or difficulty was the procurement of medical officers for the units which were to be newly established. It was especially difficult to obtain the necessary specialist physicians like surgeons, internal physicians, etc., and with the shortage of physicians prevailing at that time it was natural that the branches of the Wehrmacht and also the civilian sector did not like very much to assign physicians to the other units. And we had especially great difficulties in procuring suitable equipment for our hospitals because the branches of the Wehrmacht had already confiscated equipment in peacetime and they had started in suitable places. They had confiscated equipment and schools at the proper places, while we had at this time to begin in procuring our equipment and objectives. That was not only the SS

but also the other organizations like it, organizations like Todt, the Hitler Youth, the Labor Service.

Q. All these measures then were acute in June 1944.

A. Yes.

Q. Now, as a result of the developments of the war, especially through air attack, did you encounter any difficulties, and what was their effect?

A. As a result of the innumerable air attacks in Berlin, and also other localities, severe damage and destruction was caused and as a result we were unable to function properly since my agency in Berlin was on four occasions damaged to a considerable extent through air attacks. I was forced in the summer of 1943 to find other quarters seventy kilometers from Berlin, and I transferred the larger part of my agency to that place and only had a small staff with the old agency in Berlin.

Q. And if I have correctly understood your previous statements, you would then state that your sole and exclusive tasks consisted of taking care of the medical service of the Waffen SS.

A. Yes.

Q. Now, did you have a purely organization activity in that task or did you also have a medical work.

A. As I have previously stated, I was mostly active in the troop medical service with organization matters.

Q. According to the extent of your activities which you have described to us, did you have a time and a possibility in excess of that to work yourself with scientific research assignments?

A. No. These scientific orders I had to depend upon the advice of my special collaborators.

Q. Did you ever make your appearance in public in any form as a scientist?

A. I have never had the opportunity to actively work in any research. Besides, in my work as a doctor I never published anything about medical work and therefore, in contrast to the other physicians of the Medical Service of the other branches of the Wehrmacht, I did not have the title of professor.

Q. Now, what did your staff consist of as Chief of the Medical Service of the Waffen SS?

A. I directed the work of my office with seven physicians, two dentists, two pharmacists, and two administrative leaders.

Q. Now, witness, please tell the Tribunal briefly about the organization of your agency. That is, the organization of the Medical Service of the Waffen SS.

A. First of all I was in charge of the organization and I worked on the secret files, the service regulations. Then I gave orders for new re-organizations. I directed the mail and the transportation system. Then comes the Director of the Personnel System, who was in charge of the personnel files and also the card index files and he was in charge of the training of replacements. We had to recruit medical replacement battalions. Furthermore, he had to take care of legal matters. Then comes the leader in charge of the administration. He was in charge of administering the thirty special hospitals. Then he was in charge of the care of nurses and he had to procure new hospital equipment and, furthermore, he was in charge of the financial matters. Then comes the Chief of the Medical System and the medical service of the troops at home and on the front were subordinate to him. He had to take care of the wounded and the pa-

tients and he had to take care of the transporting of the wounded and the patients. He was in charge of the hospital system and then he was in charge of establishing new medical units. He also took care of the welfare, supply, and replacement system. Furthermore, he was in charge of the convalescent hospitals. Then comes the Chief of the Dental Service. He had to take care of the dental patients, the personnel system and the procurement of replacements. Then comes the Chief of the Pharmaceutical Service. He had to procure all medicines, dressings, and equipment for hospitals and this also included the procuring of food and chemicals. Then comes the Chief of the Hygienic Service. He was charged with the billeting and sanitary conditions of the troops, the combatting of epidemics of troops on the front and at home. He was also in charge of directing the hygienic institutes. That order appeared at the time of August 1943.

Q. Therefore, this is an extensive description of your agency?

A. Yes.

Q. Therefore, in the organizational plan of your agency there was also an agency for scientific research and planning not foreseen?

A. No.

Q. In August 1943 was there any important organizational change with regard to the subordination?

A. In line with the reorganization of the Medical Service Himmler gave the order that all my pharmaceutical establishments and hygienic institutes as well as my four office chiefs in August 1943 I had to turn all of these over to the offices of the Reichs Physician SS and Police. So these institutes were under the supervision of the Reichs Physician SS and Police.

Q. And from what period of time was that?

A. That was August 1943. That was when Gebhardt, Grawitz, and I attended a lecture in the Field Command Post of Himmler at the headquarters and I have mentioned that already in the beginning.

Q. And this change was to become effective on the 1st of September 1943, is that correct?

A. At that time this order was directly dictated by Himmler.

Q. And what was Himmler trying to do with this re-organization?

A. In my opinion, with this he strengthened the position of the Reichs Physician, and the agency of the Reichs Physician SS and Police was built up in the sense of the scientific concentration and the clinical concentration with four educational agencies, it was the Chief of the Clinics, the Chief Dentist, Chief Pharmacist, and Chief Hygienist. On the other hand Himmler was putting me at a disadvantage in my position and he made my work more difficult. I had to work with younger people and I had to achieve the support of my work with more inexperienced personnel in the Medical Service.

DR. MARX: May it please the Tribunal, I am now coming to the sulfanilic experiments. Perhaps it would be a convenient time now to call a recess.

THE PRESIDENT: The Tribunal will be in recess until 9:30 o'clock Monday morning.

(The Tribunal adjourned until 0930 hours, Monday, 3 March 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nuremberg, Germany, on 3 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you report in that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the Defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Defendant Oberheuser's condition is serious and she is now in the hospital. It appears that her absence will not prejudice our case, the defendant will be excused from attendance. The Secretary-General will note for the record the absence of the Defendant Oberheuser.

KARL GERARD - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL (Counsel for the Defendant Karl Brandt):

Q. Witness, I am now coming to the individual experiments, which were carried out. First of all, the sulfonamide experiments in the concentration camp Ravensbruck. In the previous proceedings at the present time this has already been mentioned on the occasion. It was said that an affidavit from the [illegible] —

DR. SEIDL: May it please the Tribunal — [illegible] for this interruption. The prosecution wishes to state that they will withdraw the charges against the Defendant Gebhardt in connection with the poison experiments and the incendiary bomb experiments in Ravensbruck conducted after the time that [illegible] over research, that is after August of 1943.

Will it be necessary for me to repeat?

THE INTERPRETER: We don't hear you.

MR. [illegible]: At this time the prosecution [illegible] to withdraw the charges [illegible] the Defendant Gerlach in connection with the incendiary bomb experiments and the poison experiments [illegible] forth in the indictment. [illegible], I think it will be more expeditious for the presentation of defendant's case if defense counsel will refrain from covering those two issues.

DR. MERKEL: I shall comply for this fact in the course of my examination of this witness.

Q (By Dr. Merkel) I am now coming to the sulfonamide experiments --

THE PRESIDENT: Just a moment, Counsel. The Secretary-General will note for the record that the prosecution has dismissed the charges against Defendant Gerlach under Specification 4, experiments with poison, and Specification 1, the incendiary bomb experiments.

Q (By Dr. Merkel) Therefore, Dr. [illegible], with the sulfonamide experiments you are mentioned in two experiments, one of them in connection with an affidavit of the Defendant Fischer, who stated that you attended his lectures at Hohenlychen, and Gebhardt lectures at that time in May 1942. [illegible] mentioned on the second occasion when in the course of the presentation of evidence of the prosecution, Hygiene Institute of the Waffen SS [illegible] mentioned which furnished the gas gangrene cultures for these experiments. It was stated in this respect that the Hygiene Institute was subordinate to Dr. Grawitz [illegible] that the latter until August 1943 was subordinate to you. I therefore put the following question to you, witness, in this connection: When did you first find out about the [illegible] with sulfonamide [illegible] Ravensbruck Concentration Camp?

A. As far as I can remember it was in the summer of 1943. When I returned from my [illegible] illness, short [illegible], at [illegible] that Dr. Fischer had given a report [illegible] congress according to which sulfonamide [illegible] had been made by Professor [illegible] and that the ward at Ravensbruck had been put at his disposal for that purpose. As a result, it had been achieved that the [illegible] of the [illegible] planned at the front continued to rankle in the surgical department.

And where did this meeting take place?

A. As I found out afterwards on the third session of the consultin medical officers in Berlin, it was in the Military Medical Academy, and it took place in May 1943.

Q. Did you yourself participate in that meeting?

A. No, I did not attend.

Q. Your Co-Defendant, Dr. Fischer, has stated in his affidavit of the 21st of October 1946, Document 472, Prosecution Exhibit 234 in Prosecution Document Book No. 10, page 94, he has claimed that you participated in that meeting. How do you explain the contrast?

A. Well, I was unable to be there because I was sick and I have not heard that lecture.

DR. MERKEL: May it please the Tribunal, in order to support the statement of the witness, may I present two affidavits here in evidence. [illegible], Document Genzken, Number 7. That is on page 15 of my document book which I offer as Genzken Exhibit 1. It is an affidavit of Erich Burkhardt and reads as follows:

"I was SS-Untersturmführer, and during the years 1943 and 1944 I was the driver of the former chief of the Medical Office of the Waffen-SS, SS Gruppenführer Dr. Karl Genzken.

THE PRESIDENT: One moment please, is that in the English document Book:

DR. MERKEL: May I repeat please, it is Document Genzken, Number 7, on page 15 of the Document Book.

"I remember that toward the end of April or the beginning of May 1943 I drove Dr. Genzken from Berlin to Karlsbad to take the cure. Standartenführer Grossmann accompanied him on this trip. I dropped Dr. Genzken at the SS-hospital at Karlsbad and drove on with Grossmann on an excursion to Prague for a few days. From there we returned to Berlin.

"Toward the end of May 1943 I fetched Dr. Genzken from Karlsbad after he had finished the cure."

I further offer Genzken document No. 10. It is on page 24 of my document book. I offer it as Genzken Exhibit No. 2. It is an affidavit by

Herbert Gross mann and I quote:

"I was Chief of Medical Affairs, and Personnel Official for Medical Personnel of lower rank in the Staff of the Medical Chief of Waffen -SS, Dr. Karl Genzken, from 1942 until the end of the war. I was constantly together with him.

"I knew that he had to take a treatment at Karlsbad, on doctor's orders, in the Spring of 1943; when he wanted to start on his journey to Karlsbad, he informed me about it, and requested me to accompany him, in order to undertake a personnel inspection at the SS-station Karlsbad and at the SS-hospital at Prague, on this occasion. I agreed, and went to Karlsbad, together with Dr. Genzken, in his staff car, approximately in the last days of April or in the beginning of May. Dr. Genzken got out there, while I carried on my official duties in Karlsbad and Prague, and then returned to Berlin by Dr. Genzken's car. I know that Dr. Genzken remained in Karlsbad for four weeks to take his treatment, and returned to Berlin towards the end of May, or probably only at the beginning of June. Owing to the strenuous treatment at Karlsbad, Dr. Genzken was not entirely fit for work during the first time after his return to Berlin.

"In my opinion, it is therefore absolutely impossible, that he took part in the Eastern Congress of Medical Officers in the Military Medical Academy in Berlin, from 24 to 26 May 1943."

That is the end of my quotation. And, it should be indicated in connection with the testimony of the defendant, it should have been proven sufficiently, at that time he had not heard the report of Professor Buchner respectively of Dr. Gebhardt.

Q Witness, do you know anything about the fact that gas gangrene and streptococcus was furnished at Ravensbruck for the sulfanilamide experiment?

A No.

Q When did you find out about that?

A I heard that in the course of a preliminary interrogation.

Q Where did this preliminary interrogation take place?

A Here in Nurnberg.

Q Witness, please make a short pause between my question and your answer. When did you hear about the origin of the cultures which were used in the experiments at Ravensbruck?

A I only heard that from the documents here.

Q Do you know that these used at Ravensbruck are alleged to have been furnished by the Hygienic Institute of the Waffen-SS?

A No, I never heard that.

Q Did you, as Chief of the Medical Office, receive any report from the Hygienic Institute or any other information about that?

A No, I never received that.

Q Why not?

A The Hygienic Institute of the Waffen-SS was the only Hygienic Institute in the homeland, and it was not only available for assignments by the Waffen-SS but also for the many remaining formations and units of the SS. It was also at the disposal of the Reich Physician SS for his tasks in the field of scientific research. In line with his authority to issue instructions, he could issue orders to the Hygienic Institute and he could also issue secret reports, and by virtue he was then able to say what persons could obtain knowledge of them; however, my person was excluded from that.

Q Did the Reich Physician SS Grawitz tell you anything about those experiments?

A No, as I have already stated on Friday, he excluded me from all his experiments and so did not give me any information about them whatsoever.

Q Did not the co-defendant, Professor Dr. Gebhardt discuss the subject with you?

A No, he has never discussed it with me. And I have heard of these experiments like everybody else, in the public and during the course of the report of Fischer's.

Q Ah, just why did Professor Gebhardt fail to tell you anything about it?

A I do not know.

Q Do you know of any correspondence with regard to sulfonilamide experiments, and did you ever see any, officially or unofficially?

A No.

Q The information which you just gave to us, where did you obtain this? Did you give this information voluntarily at the time of your interrogation or did the Prosecution ask you for that at the time of your interrogation?

A I was asked what I knew about these experiments, and then I made the statement voluntarily, which I have just reported.

Q I am now coming to paragraph 6-C, the Typhus experiments. Witness, as I have already stated, scientific research and management was not within your field of duties; that it was that of Reich Physician Grawitz. Did this also include Typhus research and the mass cure of a new vaccine against Typhus?

A No.

Q According to your knowledge, what was the reason for manufacturing this new vaccine?

A It has already been mentioned here during the course of the trial, in the Ohlendorf trial, at the front in the East, and also in the security information and even

[illegible] within Germany there was a great danger of typhus epidemics.

[illegible] there was very little vaccine in order to combat typhus because the manufacturing from the intestines of lice was very difficult, and that was the reason.

Q. Now, you decided and [illegible] orders to put the typhus research and the manufacture of a new vaccine.

A. It was within the field of the competence of the Medical Inspection-SS which was the [illegible] by Louis Ingredient, a medical factor [illegible], but in any case, we did [illegible] reaction, and I have not received such an order from [illegible].

Q. What orders did Grawitz give? Do you know anything about it?

A. By virtue of his authority as the Sturmbannführer Dr. Ding to establish an institute to carry out research on typhus and in order to manufacture a vaccine. And, I received from the Commandant the authorization to open the gas chamber, and the use of prisoners who, as I understand, were under the inspector of the Concentration Camp, they had been [illegible].

Q. Well, when did you [illegible] this place?

A. I [illegible] but I [illegible] that the physicians in charge of the institute [illegible] Dr. Ding [illegible] transfer to [illegible], the institute [illegible] Dr. Sickness, [illegible], and, finally, we carried out experiments, and I [illegible] quite sure that [illegible].

Q. Why do you [illegible] Dr. Ding to you?

A. I know that the [illegible] the first report [illegible].

Q. [illegible] experiments in connection with [illegible] institute in Buchenwald?

A. [illegible] I [illegible] experiments. I was called [illegible] where the [illegible] the institute.

[illegible]

C [illegible]

[illegible] the [illegible] was [illegible] and discussed, [illegible] was I a consultant to the [illegible] research, and I was not [illegible] about the progress of [illegible] the manufacture of the vaccine. And, I was not asked either about [illegible] which the [illegible] was used.

Q. [illegible] Gerwick [illegible] that?

A. As far as I can [illegible] and [illegible] intentionally, I [illegible] the [illegible] Gerwick [illegible] and that he was [illegible] exclusive [illegible] for everybody on account of them. And, [illegible] that Professor [illegible] withdrawn all his confidence [illegible] from Professor Gruzewsky [illegible] had stated on several occasions that [illegible] concerned himself with scientific research.

Dr. [illegible]: May it please the Tribunal, I present another document in this connection. It is Document Gonsior No. 1. It is [illegible] I [illegible] document [illegible], and I offer it in evidence as Prosecution Exhibit No. 3. It is an affidavit of co-defendant Dr. Gruzewsky, and I quote:

"During my stay in Italy spring 1943, I believe it was at a conference of the parties [illegible] Staff of the Chief of the Medical Office of the Waffen SS, I conversed for the first time with Professor Gerwick, chief of the Medical Office [illegible] Gerwick. During the conversation I [illegible] that Gerwick [illegible] I [illegible] responsible for all matters [illegible] research and planning [illegible] Medical Section within the [illegible]. Dr. Gonsior [illegible] with it.

Thereupon Dr. Gerwick confirmed [illegible] statement as Gerwick [illegible] member of this institution, and acknowledged that he was [illegible] responsible for the medical service for the [illegible] Waffen SS, [illegible] Justinar, the chief of the SS Operational Main Office, [illegible] responsible in military matters.

"In [illegible] my affidavit of 17 October 1946, Exhibit No. 282, I [illegible] following statement: In [illegible] I certified that Dr. Gonsior [illegible] the institution of the Department for Typhus and Virus Research [illegible] involved [illegible] the Waffen SS and National Construction Group,

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[illegible] Dr. Ding Chief of the Section at the beginning [illegible] 1942, I am certain that [illegible] views in 1943 and [illegible] in 1942. At the beginning of 1943 Dr. Gorbatov [illegible] Dr. Ding's proposition to [illegible] the place of the production of typhus vaccine for the Far East Section for typhus and virus research at the Epidemic Institute of the Kwantung Army."

[illegible] at the end of the quotation. Dr. Gorbatov's remarks was mentioned here in paragraph 2, but it has been corrected from what was contained in Prosecution's Exhibit [illegible] 202.

Q [illegible] Institute in [illegible], officially or unofficially?

A. I have never visited the Institute and I have never [illegible] it. The exact time and the title of [illegible] Block 50 were [illegible] unknown to [illegible] until this time and I came only heard of this for the first time [illegible] in the Office of Justice.

Q [illegible] to visit this Institute at [illegible]?

I never felt responsible for this experimental station in [illegible] and I was mainly interested in the results of the experiments of the carrying in [illegible] I now know was [illegible] in the summer of 1945, as [illegible] stated in the month of August, 1945, it [illegible] only in the late fall of 1945 [illegible] in a similar way. This was [illegible] which was not [illegible].

Q [illegible]

A [illegible] at the end of August [illegible] the period of [illegible] in accordance with the instructions and the orders of the [illegible] as was [illegible] to the [illegible] of the [illegible], and with [illegible] of [illegible] also a [illegible] to [illegible] [illegible] at any of the [illegible] in [illegible].

[illegible] written reports [illegible] scientific reports?

A [illegible] such scientific reports. [illegible] I [illegible] to me and I [illegible] [illegible].

Q [illegible] his diary, [illegible] reports, to whom [illegible]?

A [illegible] of the [illegible], [illegible] reports, [illegible] report, [illegible] report to [illegible] [illegible].

Q How soon were you first informed about this matter by Professor Trunowsky?

A I cannot give you the exact date and I cannot remember it accurately, but it is possible that this was in the spring of 1943. I remember that he reported to us that the probable result of the production of the vaccine [illegible] was that thirty thousand portions of the vaccine would be available for the troops of the Waffen SS. I can also remember that he told us on this occasion about two further vaccines, one vaccine came from the Jews and the other came from a civilian firm, and he told us that the vaccine which we had was that of Gebhardt. That it was intended for Professor Gebhardt. That is the only information which I can recall.

Q Can you perhaps remember any charts which Professor Trunowsky showed you on that occasion?

A I cannot remember if Professor Trunowsky had any documents with him.

Q Did Professor Trunowsky tell you about the number of experimental projects, the number of inoculations and the extent of the experimental series?

A No, he did not go into such in detail and this short report came very short, but as the number of the experimental series the fatalities were shown to us for the first time here in the dock at Nuremberg.

Q Don't you see also that you would have reacted differently if you had been informed in detail about these matters by Dr. Trunowsky?

A Yes, I am certain that such documents certainly would have [illegible] particularly in my mind. They would have caused a question [illegible] and a very strong effect on me.

Q Did Professor Trunowsky tell you anything about the intentional infection of concentration camp prisoners?

A If Trunowsky had told us anything about the fact that people were purposely infected then this fact would also have been a fairly unusual one in my mind so that I would have [illegible] to-

[illegible]. However, I am unable to remember it.

Q [illegible] all, but you did have knowledge that prisoners were used for clinical purposes, or what did you think these people were [illegible] for?

A When I heard about this for the first time and was [illegible] I thought it [illegible] experimental series in order to test the effectiveness [illegible] stability of the vaccine, and after I [illegible] from the British Physicians at the beginning of the war that scientific experimental series were [illegible] two [illegible] performed by the [illegible] of Zahn and Sachsenhausen, [illegible] used in research, and similar experimental series were carried [illegible] also in the beginning of the war by a certain Dr. Von Bayer, [illegible] himself carried [illegible] experiment at Buchenwald in 1944, as soon as [illegible] opinion, I [illegible] also [illegible] British used hundreds of [illegible] experimental series. This was in order to test a new vaccine against influenza.

Q [illegible] you ever think as a result of the information which you got from Dr. [illegible] that these people were purposely infected.

A No, [illegible] my previous bacteriological training, I did not [illegible] such a hasty medical conclusion. I assumed that observations were to be carried out on people who had [illegible] immunity [illegible] who had not been inoculated [illegible] the notation of an epidemic, [illegible] I did not [illegible] to me that typhus should occur in [illegible] Buchenwald, and I was therefore that some solution was to be found for this.

Did you receive any additional medical training?

A From 1931 to 1941 I was shocked. At this time in the State Institution of Hygiene, Bacteriological and Serological Medical [illegible] was required. We only had to [illegible] proof of the fact that we had participated in a vaccination training course, and in the course of this training the students had to vaccinate each other. Subsequently, I was able to carry [illegible] my research activities because of the [illegible] child [illegible]. At the time [illegible] war I was interrupted by surgical

training and then I was organizationally 15 years active in the Navy Section scouting and later on I was ten years with the Waffen SS and I mainly occupied myself with organizational matters and in the diagnosis of hygiene, the field of bacteriology and serology, and in particular the field of the production of a vaccine, represent a specialized field and I was unable to deal with it.

Q Did you make a mistake in the course of your previous interrogations with regard to passive and active immunizations?

A Yes, that is correct, but as I have heard in the meantime, the same thing has happened to other physicians at some time or other.

Q At the [illegible] meeting of the consulting physicians in May, 1943, did you hear the report of Gerd Weiss?

A No, I did not hear the report because as I have already stated I did not attend this meeting.

Q Is there any other meeting in which Fischer gave his report that you attended?

A No.

Q Do you know Dr. Ding personally?

A Yes, I made the acquaintance of Dr. Ding at the hospital in Berlin, and during the first 2 years of the war when I was a criminal judical officer we met in Schwerin and during this period of time we developed a friendship or rather friends, which we can describe as a fatherly, friendly relationship.

Q. You have heard the statements of the witness Kogan about Ding. Is this description sufficient or do you want to add anything to it?

A. Dr. Kogan's ideas are correct in my mind. I believe that a mistake was made in the interpretation.

Q. Yes, that is correct.

A. Ding was a clever ambitious young man. He had a very friendly manner and perhaps on some occasions he was too friendly and he had a tendency to exaggerate. He had lived through a very hard youth. He was an illegal child and had been adopted and had to work through his studies. Out of sympathy for his difficult past I began to take care of him and then this fatherly relationship began to form. However, in this connection I want to point out that it was a relationship of mutual respect. He was twenty-five years or more than twenty-five years younger than I. We never addressed each other in a familiar manner. In Germany we make a difference between "du" and "Sie" - between thou and you. In any case we never addressed each other in the familiar manner and during his stay at Berlin he was never a guest in my house. If I may say so, I had such a relationship with several SS physicians and I can name several.

Q. I believe, witness, that this will be sufficient. Witness, Kogan testified that Ding wanted to exploit you in your position.

A. Yes, I also gained this feeling after some time. I felt this: Ding was trying to gain through my position and that he wanted to succeed me.

Q. On what was your opinion based?

A. When I read the diary then, the entry of the 9th of January came to my particular attention. That is the entry which is also used as a point in the accusation against me.

Q. Let me interrupt you, witness. This is Document 265. It is Prosecution Exhibit 287. It is on page 41 of the Prosecution Document No. 12.

A. According to this entry I am alleged to have given the order for the change in the title of the institute. In reality, I only gave the approval for that end, as Dr. Kogan has correctly stated, I gave the approval

for the re-naming of the institute which was producing vaccines and Ding changed this re-naming in his order and I believe that he was trying to give me the credit for this. That is my opinion.

Q. In this entry of 9 January 1943 you were named as SS Gruppenfuehrer. Did you have that rank at that time? SS Gruppenfuehrer?

A. No, and because of this reason I went to mention that date of 9 January 1943, because I only became Gruppenfuehrer on the 30th of January, and I assume that the approval for the change in the name of the production establishment occurs together at the same time as the information which I received from Dr. Kruczewsky and which I have mentioned before.

Q. In the entry you are also mentioned as Lieutenant General of the Waffen SS. Were you that also on 9 January 1943?

A. That came at a time along with the appointment to Gruppenfuehrer.

Q. Ding claimed that he was main department head. Did any position like that exist in Department 16 of the Waffen SS?

A. No, the position and title of head of Department 16 never existed. He only kept funds from my office because he had been detached from the Berlin Office through the Reich physician and this perhaps was also a little exaggeration.

Q. In the course of his examination the witness Kozian - and this is on page 1230 of the German record - said that you had given the approval for the establishment of the department for typhus and virus research. Is that correct?

A. It was not, as Kozian stated, an "establishment", but it was a re-opening of the new production facilities. That was occupied in the middle of August, as I have already stated. It only began its production in late fall. That was at a period of time when I was not responsible anyway.

Q. But then why was the name of the research department approved when this actually was a production establishment?

A. That in itself is a contradiction of the objective. It is a contrast in the title. However, Kozian has so fully given the correct explana-

nation. The name of this production establishment was suggested by Ding. That was in copying the army which had an institute for virus and typhus research at Cracow and it likewise had a production establishment there for vaccines.

Q. Ding frequently, without any doubt, was in Berlin also with you. On the occasion of one of his visits at Berlin in the time of 1942 until August 1943 did he give you any details about the experiments, especially about the infecting experiments?

A. No, a report about the infecting process would certainly have remained in my memory, as I have already stated previously, and I cannot remember that he had ever discussed the subject with me.

Q. During this period of time - that is to say, from 1942 until 1943 - did he visit Berlin frequently?

A. I have relatively little contact with him at Berlin. Dr. Kogon is probably right when he states that the experiments of Ding were two to four or six experiments per year, and in early March 1943, according to his affidavit, he was sick at that time and he was also taking a convalescent leave in Salonta and, as he himself states in the affidavit, he was then detached to the Reich Institute at Paris and he returned from this assignment towards the end of October. So that from March to October Ding was not carrying out any official duties. It may have been in the last week of March, at the time I made a trip to the front - it was a trip to the eastern front. That was a sector near Leningrad. At that time I was together with Italian medical officers and on my return trip from Riga I had a gall colic attack and then I worked several days in Berlin in order to somehow settle the work which had accumulated in the meantime, and then, as it has been described in the affidavit, I was in Bad Kreuznach for convalescence. Then, approximately in the middle of June, I had again recovered to such an extent that I was able to resume my work. From the annual report of 1943, which Sturmbannfuehrer Ding compiled and which is included here in the documents, it is indicated that Ding towards the end of June until the middle of August was also taking a vaca-

tion on a Baltic sea island near Rugen. Then, from spring 1942 until August 1943, there were only few winter months and according to the diary it is in these winter months that the main activity was carried out by Ding in his research institute and I believe that at that time the chances of my obtaining any information were very slight.

MR. [illegible]: May it please the Tribunal, in order to complete the record, I wish to confirm the 2 documents which have just been mentioned by the witness. One is an affidavit by Dr. Birn-Schulz, [illegible], Prosecution Exhibit 283; and the [illegible] is Document 182, Prosecution Exhibit 286. Both documents have been in evidence in support of the prosecution.

Q. Now, witness, let me ask you again if you will not find out more about the [illegible] research activity?

A. I [illegible] that if I consider the [illegible] politics [illegible] I would withdraw [illegible] fields of research, [illegible] potential [illegible] would [illegible] within the fields of science and research. Furthermore, being [illegible] involved in industrial and governmental [illegible] -- to know that from my previous [illegible]; the probability also arises to the [illegible] of suspicion which existed between [illegible] itself, which [illegible] politically -- [illegible] conditions [illegible] with scientific [illegible], [illegible] Dr. [illegible], this may have caused him to take an [illegible] my [illegible], so that [illegible] in his work. [illegible] Dr. [illegible]. Perhaps [illegible] my attitude [illegible] will not [illegible] discussing the [illegible] with me. [illegible], I do not [illegible] other details because my work in the group [illegible] advised [illegible] which [illegible] cause for [illegible] worry [illegible].

Q. Dr. [illegible] testimony [illegible] Dr. Birn. [illegible]

the official and that contents of the private correspondence level?

A. I [illegible] stated that I believe the scientific reports -- that they were not submitted to me; I cannot recollect the contents at all in detail of the official correspondence and perhaps [illegible] through agency. Nor did I remember [illegible] contained in the private letters which [illegible] in addition.

Q. [illegible] initiative or [illegible] details of the correspondence [illegible] Professor [illegible] in the [illegible]?

A. I never [illegible] for the experimental [illegible]. [illegible] I never [illegible] at. [illegible] interested in the results which were achieved in the production of [illegible] the [illegible]; that was the interest on my [illegible]. Furthermore, [illegible] the express field of the [illegible] within the [illegible] scientific [illegible]. I, [illegible] [illegible] the [illegible] SS [illegible] [illegible], [illegible] [illegible] the [illegible] [illegible] with respect to the [illegible] and [illegible] to issue orders in that respect. [illegible] already mentioned [illegible] several [illegible], as a result [illegible] relationship to [illegible] particularly reserved, [illegible] every effort [illegible] in his field of [illegible]. [illegible] field-sur[illegible] field; [illegible] procedures in my [illegible] I have already stated in detail.

Q. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]?

A. [illegible] [illegible] the SS personnel [illegible] transfer [illegible]

[illegible] methods.

Q. Did Gruntz authorize such a transfer of [illegible]?

A. Yes.

Q. Did Dr. Dinwiddie take any action as the Disciplinary Officer at Rockenwald?

A. Gruntz, in conjunction with the physician in charge, strongly advised Dr. Kellner, [illegible] Dr. Dinwiddie [illegible] the disciplinary officer.

MR. [illegible]: May it please the [illegible], I [illegible] this [illegible] to offer certain [illegible] in evidence at this time. The witness [illegible] Rockenwald [illegible] Konzentrationslager Rockenwald. I now want to offer Konzentrationslager Rockenwald Document 16, [illegible], which I offer as Prosecution Exhibit No. [illegible] is an affidavit by the former Chief [illegible] Main Office, Buchenwald, and it reads as follows. (This is a supplement to [illegible] not [illegible] - [illegible]:

"There were two kinds of military assignments:

1. Punished service within the unit on temporary duty, such as orderlies and clerks. They [illegible] their military superiors as [illegible] disciplinary measures.

2. [illegible] equivalent to a transfer. If [illegible] were given in the [illegible] the [illegible] not upon the prisoner's [illegible] continue to be held by his military superiors. [illegible] transfer [illegible] disciplinary supervision, but under the supervision of the Konzentrationslager."

[illegible] little [illegible] the [illegible] Buchenwald. [illegible] Dinwiddie; this is Konzentrationslager [illegible]

document back and I refer it as Gonzalez Exhibit No. 5. Now at phase the document, I believe that the translation which has been submitted to the Tribunal contains some [illegible]. There should be a note from the Hotel Security Main Office to Wolff also at the start which should come from the Hotel Criminal Police Office directly below [illegible] from Myro to Black [illegible].

[illegible] SCHERING: Will you repeat that, please?

[illegible] GONZALEZ: There should be a certain line. This line should be inserted in the upper right of the document from the Hotel Security Main Office to the Hotel Criminal Police Office and from Myro it should be addressed to Black [illegible]. This [illegible] that [illegible] official document would have to be established and I have to [illegible] this line [illegible] in the start. [illegible] the start the document itself has a [illegible] affiliation and thus is a genuine document 12, in spite of [illegible] 5-2, and I refer it as Gonzalez Exhibit No. 6. I quote:

"[illegible] illuminated notice [illegible] document start [illegible] until it arrives [illegible] incorporation in a [illegible] corruption. This I [illegible] [illegible] that the terms 'black [illegible]' or 'black [illegible]' only in [illegible] brick.

"The system of [illegible] statistics - [illegible] recorded in the Hotel [illegible] the Hotel Criminal Police office. [illegible] information [illegible] under the Hotel [illegible], [illegible] and in the [illegible] which [illegible] [illegible].

"In the [illegible] established [illegible] concentration [illegible], should [illegible] pilot [illegible], this [illegible] concentration [illegible] [illegible]

[illegible]ratively under the Inspector [illegible] Concentration Camps or the Sanitate and Administrative Main Office, which had a medical service of its own, of which in turn the Reich Physician SS was the direct superior."

[illegible], the [illegible], pursuant to an order by [illegible], were [illegible] at the beginning of the [illegible] [illegible] by the Reich Criminal Police Office itself, which [illegible] the [illegible] department of the Reich-Security Main Office, [illegible] were [illegible] with [illegible] physician [illegible] and which [illegible] under the [illegible] Reich Physician SS, as far as [illegible] were concerned.

Furthermore, there [illegible] existed direct [illegible] between [illegible], Dr. [illegible], and [illegible] Himmler.

When [illegible] were created, [illegible] the [illegible] of [illegible] 1943 [illegible] 1943, [illegible] 1943 [illegible] Hygiene Institute of the [illegible] SS, [illegible] Hygiene Institute of the Waffen SS in Berlin, [illegible] directly [illegible] Reich Physician SS. [illegible]

[illegible] station, which [illegible] "Section for Typhus and Virus Research."

[illegible], Dr. [illegible], has [illegible] with Dr. [illegible]. [illegible] the Journal [illegible] states:

> [illegible] 1943 [illegible]
>
> [illegible] with [illegible] Himmler, [illegible]
>
> [illegible] Dr. [illegible]
>
> [illegible]
>
> [illegible]

[illegible] represent the real facts truly and completely."

In this connection I finally offer Document Gerszon #2, [illegible] 3 [illegible] I know it is evidence of Gerszon's testimony [illegible] administration [illegible] of the [illegible] and it reads as follows:

"From January 1942 until the liberation of the camp on 1 April 1945 I was head of the construction in Buchenwald concentration camp and [illegible] the following statement:

"I [illegible] the administration [illegible] concentration camp. [illegible] test in Block 46 [illegible] National Concentration Camp, an experimental station [illegible] with the [illegible] Dr. Ding [illegible]. In [illegible] 1942, [illegible] 1943 it was [illegible] Block 46 [illegible], a central [illegible] hospitalization [illegible]. This [illegible] a cooler installation [illegible] allowed [illegible] for typhus [illegible] Lodz Ghetto, [illegible] office 65, [illegible] [illegible]."

[illegible] institute.

[illegible], [illegible] 1942. U. S. S. R. - [illegible] at the [illegible] Institute [illegible] office 65, [illegible] [illegible] to take [illegible] [illegible], [illegible] 1943, [illegible] chief [illegible] experimental [illegible] virus research, [illegible] U. S. S. R. - [illegible] experiment [illegible] concentration."

[illegible] the [illegible] Institution Buchenwald."

"[illegible]

"[illegible]

[illegible]

staff consisted of [illegible] and a Capo, all administrative measures for the hospital of the concentration camp were taken through the Buchenwald camp administration. Therefore [illegible] administration of the office SS (Oberbannführer [illegible]) and the administrative chief of the SS [illegible] (Oberstabsführer [illegible]) had nothing to do officially with the administration of Block 46."

[illegible] 46."

As it pleases the Tribunal, I believe that I have shown through this evidence that this was [illegible] to the Medical Service of the Waffen SS but that it was exclusively subordinated to the Reichsführer SS.

Q. Now [illegible] the Reich Physician SS?

A. Professor Gerhard, as the Reichsführer expert, [illegible] the general of the Reich Physician SS for special medical tasks.

Q. Was it true that the Reich Physician had for these experiments [illegible], Professor Gerhard, or Professor Ruff?

A. Grafe always tried to have [illegible] staff as small as possible. At the time a certain [illegible] Dr. Ruff was under my command to be released all the staffs and withdrew [illegible] to the strength of all the personnel of these staffs and for this reason the Reich Physician tried to have his staff as small as possible. A [illegible] his superiority by virtue of his authority to issue instructions to utilize members of other staffs and this is usually done in dealing with my staff. [illegible] Professor Gerhard [illegible] Dr. Ruff, Dr. [illegible] author and [illegible] the hygienist, Dr. [illegible], they were, working on my staff [illegible] that for the medical tasks and experiments. It is [illegible] the chief, with support of their staffs.

Q. [illegible] with Professor Gerhard

A. I was his [illegible] in the position which he [illegible] in the [illegible]; I was his [illegible] as the Chief Hygienist and the Chief of the Hygienic Institute. I also was his [illegible] for the new [illegible] establishments; that is to say, I would [illegible] his [illegible]. However, this never came to pass because it only [illegible] its [illegible] in [illegible] that was at a time when I was no longer responsible.

Q. And [illegible] relationship to Dr. Ding?

A. Ding [illegible] — the Chief of the Experimental Station [illegible] [illegible] [illegible] [illegible] [illegible] Chief of the Experimental Station [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Q. And who appointed Dr. Ding again?

A. He [illegible] by the [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] station.

Q. [illegible] in the concentration camp?

A. [illegible] in the [illegible] [illegible] connection with the [illegible] for [illegible] purposes.

Q. [illegible] in the concentration camp?

A. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] within the concentration camps;

[illegible] [illegible] concentration camp?

A. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible]

A. [illegible] 1941, [illegible] experimental station [illegible] from [illegible]. [illegible], then it [illegible] and finally [illegible] and it finally [illegible]. Then the [illegible] in this station [illegible] of [illegible], [illegible] for the [illegible] production [illegible], and the business [illegible] administrative staff of the [illegible]. This [illegible] the experimental station [illegible] connected with the administration of the [illegible] information has been given [illegible] by the [illegible].

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

[illegible]

[illegible]

[illegible]

[illegible]

Q. Then, according to what [illegible] after [illegible], [illegible] with [illegible] the [illegible] any [illegible]?

A. No, I had [illegible] that any [illegible] occurred.

Q. Was there any [illegible] the letter [illegible] still continued [illegible]?

A. [illegible] couldn't [illegible].

Q. [illegible] which [illegible]?

A. [illegible] only.

Q. [illegible] first [illegible]?

A. [illegible] certainly [illegible] Granite.

Q. [illegible] any functions [illegible] staff? Did he [illegible] authority?

A. No.

Q. [illegible] 1943 [illegible] 1944, [illegible]?

A. [illegible].

Q. [illegible] at the front?

A. [illegible] that.

Q. [illegible]?

A. [illegible] members of the [illegible], [illegible] at such [illegible] division. [illegible] experience

[illegible] Eastern front.

Q [illegible] you ever speak to [illegible] about any experiments [illegible] which are mentioned in the indictment?

A No, we never [illegible] that.

DR. [illegible]: Thank you. I have no further questions.

DR. [illegible]: Mr. President, please permit me to put some questions to the witness.

[illegible] EXAMINATION

BY DR. [illegible]: (Counsel for [illegible])

Q Witness, did Professor Rostock in his capacity as [illegible] of the Office of Science and Research with the Reich Commissioner for Health [illegible] have [illegible] to the Institute [illegible] SS?

A [illegible] I already stated [illegible] Professor Rostock [illegible] Professor Brandt's [illegible], that [illegible] affairs [illegible] to the medical [illegible], [illegible] Professor Brandt [illegible].

Q In other words, one could say that [illegible] of Professor Rostock?

A Yes.

Q Witness, did Professor Rostock at any time issue [illegible] SS?

A No, I never received any directives from him [illegible], either verbally or in writing.

DR. [illegible]: Thank you. Mr. President, I have no further questions.

Mr. [illegible]ING (for the defendant Trujillo):

Q. Witness, Dr. Umpierrezky was active in your official capacity as Chief of the Department of Agriculture, was he an expert in your office?

A. Yes.

Q. Was we a close official contact between you and Umpierrezky?

A. Umpierrezky was present during all the discussions with experts. He requested on his official trips and official correspondence, [illegible] to the experiences, and I, accordingly, issued orders or directives whenever he was [illegible] in reference to the best stock of Rhodesia or contagious [illegible]. During such occasions I also ordered him to carry out official trips.

Q. Was Umpierrezky the opportunity to carry out such surveys in the Rhodesia field on his own initiative, in the field of the African [illegible], measures which is considered to be necessary?

A. He was supposed to do so after consulting the specialist field, then measures to be taken according to my judgment, were ordered to be taken issued for the troops. He had the authority to issue orders in the capacity as Chief of the Institute and within its field of Rhodesia.

Q. Thus, in his capacity in his capacity of office, as Rhodesia expert, he had authority to issue orders?

A. Well, in the collaborators and the [illegible] of the Institute, and this was especially [illegible] the institute, the Rhodesia institute.

Q. I, Therefore, he could not issue orders and any [illegible] the Rhodesia Field in the SS which he sought [illegible] proper?

A. He always had to [illegible] my digital authority.

Q. Now, with reference to the authority [illegible] of the SS;

for [illegible], concerning the co[illegible] organization [illegible] subordinated to the [illegible] of the Army, could be carry out any [illegible] on his own initiative [illegible] they could be corrected?

A. No, [illegible] the same situation; [illegible] authority to issue orders.

Q. Did the [illegible] to issue orders [illegible] subordinate to Groves [illegible] last September 1944?

A. No, [illegible] authority to issue orders.

Q. In his capacity as Chief of the Institute, [illegible] often [illegible] field trips?

A. Yes, [illegible] quite [illegible].

Q. [illegible] correct [illegible] all times for your [illegible].

A. [illegible] remember one such [illegible] trip, when I went to Seattle, [illegible], which was [illegible] for June or July 1944, [illegible] after [illegible]?

A. Yes, I remember [illegible] incident because this was the only time when [illegible] the [illegible] line. I think that we [illegible] foreign trips, [illegible] returned in August. [illegible] that was I report [illegible], and he, as [illegible], [illegible] visit [illegible] from Fermi, but I [illegible] report [illegible] that when the run was [illegible].

Q. [illegible] returned [illegible]. Do you remember whether [illegible] the beginning [illegible] or the end of August?

A. [illegible] incident. This entire trip [illegible] returned at the end [illegible], yes.

Q. Did [illegible] feel that [illegible] your

position as Medical Chief of the Maffon-SS?

A. Ok, that is my contact.

Q. Did Gruzrowsky become a material, ist and hygienist in the Maffon-SS after being completely alloc in that field?

A. Yes, he was completely educated expert to our department.

Q. Do you have to thank the SS for his educational training; in bacteriology and hygiene?

A. No.

Q. Was the way in which he truely worked in this institute?

A. In accordance with the days and regulations, he went about his work very conscientiously. He personally showed great interest in it, and whenever he issued any orders he saw to it that they were carried out and supervised the order.

Q. Did you Gruzrowsky's representatives in the Hygiene Institute whenever he was absent?

A. It was so hygienist there, but this often was the case. The hygienist of the institute were used for trench digging.

Q. What was the official relationship of Gruzrowsky to Grabitzer and to in any close connection with him?

A. No, no comparably any that. It was not personal relation and so on.

Q. Did he give Grabitzer orders at any time?

A. I don't know anything about that.

Q. Do you have his opinion about the work and the concept of the work of Grabitzer?

A. Yes, there was a difference of opinion there. Grabitzer wanted to carry out his experiments in all possible prisons public places and in [illegible] under all circumstances, where Gruzrowsky was much more careful [illegible]

make so much fuss about his activities and personality.

Q. Do you know how Grewitz limited the scope of work of Hrubrowsky when he took hold over with the Hygienic Institute in 1941?

A. If I remember, I learned from Hrubrouther, that was the Chief Pharmacist who had the Pharmaceutical office in the Ministry of the SS, then he had complained to Hrubrowsky that [illegible] would be changed in his work; that he would further remain the Chief

Part I

of the Orient Institute, [illegible] the present, [illegible] closely connected [illegible] there.

Q. Did [illegible] take part in the [illegible], so-called, [illegible] agency?

A. [illegible], his office in the Orient Institute [illegible] at Schenectady, a western suburb of [illegible], [illegible] the agency of the Bridgport, [illegible] as I know, he had no office at all in the agency of the Bridgport.

Q. Did [illegible] the agency [illegible]?

A. No.

Q. Did [illegible] any personal connections [illegible] color?

A. No, I don't know anything about that.

Q. Did he [illegible] personal connection [illegible] Dunti?

A. No, I don't know anything [illegible] it.

Q. [illegible] that [illegible] 1912 or 1913, [illegible] summary [illegible] his [illegible] found, [illegible] you know [illegible] theory

A. [illegible] it is correct [illegible] with such [illegible], [illegible] it, [illegible] which.

Q. [illegible] the basis of [illegible] of serum [illegible] trial here, the [illegible] typhoid [illegible] in Jacksonville. Did [illegible], [illegible] initiative [illegible] purpose of typhoid experiments

A. No, [illegible].

Q. Did [illegible] typhoid [illegible] in Schenectady [illegible] initiative, [illegible] ity, [illegible] the work?

A. [illegible] office [illegible] the [illegible] the [illegible] the [illegible] the [illegible] the [illegible].

[illegible]

Q and A

Q. [illegible] Q and A, you state that in [illegible] in [illegible] in [illegible] in [illegible] in [illegible] in the [illegible]. Did I understand [illegible] correctly?

A. Yes, [illegible]. It was [illegible] actually [illegible] the [illegible] operation.

Q. [illegible]

A. [illegible] a list. [illegible] 1700, I think, [illegible] 950 [illegible] 50 [illegible].

Q. [illegible] numbers, [illegible] even [illegible]?

A. [illegible] to get [illegible] again.

Court -

Q. [illegible] living or dead [illegible]?

A. [illegible]

Q. [illegible] interviews with reference to [illegible] Gaitan [illegible]?

A. [illegible]

Q. [illegible]

A. [illegible] to [illegible] [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

A. [illegible]

Q. [illegible]

12. [illegible]

Q. [illegible] you stated [illegible] accurate so, [illegible] [illegible] representative [illegible]

A. [illegible] [illegible] 1 [illegible] [illegible]

Court I

Q. Still in order to clarify that point I am merely basing your statement on what you have stated here.

A. This is what I said at the time.

Q. [illegible]: Thank you.

[illegible]: The Prosecution may cross-examine the witness.

CROSS EXAMINATION

BY MR. [illegible]:

Q. Dr. [illegible], you entered the SS as a stormtroopfuehrer voluntarily on [illegible] 1st, 1936, is that correct?

A. Yes.

Q. On what [illegible] you [illegible] Medical Officer of all concentration camps?

A. That must have been in the [illegible] of 1937.

Q. And you remained in that capacity [illegible] 1940, is that correct?

A. 1939.

Q. [illegible] title at that time was Chief Medical Officer of the SS, Death-Head Units in Concentration Camps, was it not?

A. I didn't quite get that.

Q. You bore the title at that time, was it not, from 1937 and 1939 as Chief Medical Officer of the SS Death-Head Units in Concentration Camps, did you not?

A. The situation was the following: In the medical office [illegible] SS there were two medical departments. I was the chief of the [illegible] medical department. The second medical department dealt with the supplying of concentration camps [illegible] of personnel. In this position I was -

Q. We will get to that in a [illegible]. I am coming to that. During the period that you held that position, you were also Chief Medical Officer of the SS Death-Head Units in Concentration Camps, isn't it. That was the way [illegible] in the official [illegible], was it not? Yes or no, [illegible]

A. Yes.

Chart I

Q. And all concentration camp brigades did not then have chief dicks, did they not?

A. Yes, there were no concentration camp brigades, and I certainly didn't have Chief Medical Officer on the concentration camp brigades. I merely said I was the consulting chief of staff within the medical service and [illegible] character of the concentration camps.

Q. And you also handed the [illegible] certificate of the Medical Service [illegible] charge also supplies and medical equipment for the supervision of medical personnel in the concentration camps, isn't that true?

A. Yes.

Q. Well, as to directly [illegible] reported to Dr. Brandt, is that right?

A. Yes, [illegible] Medical Department.

Q. [illegible] 1939 [illegible] subordinate to [illegible], wasn't that?

A. Yes, I [illegible] the organization problem. My department for internal [illegible] in Berlin dealt with [illegible] in Berlin dealt, which [illegible].

Q. [illegible] Congress will be [illegible]

A. [illegible] during the first world war and [illegible] quarter [illegible] number. [illegible] stating [illegible] in the General SS [illegible] was [illegible] days [illegible] expansion [illegible] right.

Q. [illegible]

Part I

A. At the outbreak of the war [illegible] Germany's divisional commander, [illegible] and lived through the entire campaign with that division. After the western campaign [illegible] was committed in the East [illegible] early six months [illegible] there. He stayed in the [illegible], [illegible], but in spite of [illegible] was [illegible] back [illegible] to his division [illegible] the front, [illegible] battle [illegible] the northern part of the Eastern front [illegible] during [illegible] fighting [illegible] there.

Q. [illegible] the concentration camp, [illegible] job which [illegible] prisoners [illegible]

A. [illegible]

Q. [illegible] they were [illegible] 1937 or 1938?

A. [illegible]

A. [illegible] within [illegible]

3 [illegible] (Dr. [illegible])

Part 1

[illegible]

[illegible]

[illegible]

separate [illegible]. That is, [illegible] inspect [illegible], [illegible] I know that the [illegible] people [illegible] away [illegible]. This [illegible] health [illegible] files [illegible].

Q. Now, [illegible] reports [illegible] Hicks [illegible], wasn't it?

A. As far as I remember, [illegible] reports [illegible] things [illegible] with [illegible].

Q. Well, [illegible] were [illegible] conditions [illegible] health, [illegible] Everything was [illegible], wasn't it?

A. [illegible] that [illegible] inspection. For instance, I [illegible] any time. [illegible] pass [illegible]. I had to pass [illegible] in perfect [illegible]. I [illegible].

Q. [illegible] inspection? [illegible] mind?

A. [illegible] I went [illegible] physicians. I [illegible] occasionally [illegible]. They [illegible] in pairs. [illegible] camps.

Q. [illegible] purposes? [illegible]

Part I

[illegible] into the [illegible] of [illegible] inspection trips?

... As I just stated, I reported to the [illegible] conducted by inspection trips on visit the hospital through which [illegible] by the camp physician. In the hospital there were clinical [illegible], surgical theaters, [illegible] [illegible] and partial [illegible], X-ray departments. There was a [illegible] electrical [illegible] facilities. There were various rooms, [illegible] partial [illegible], [illegible] I was [illegible] by the inmates [illegible] working in the right lines. [illegible] I [illegible] inspection trips to concentration camps.

Q. Well now, Doctor, I [illegible] [illegible] existing in the camps [illegible]. It was a matter of [illegible] [illegible] earlier. [illegible], it is [illegible] remarking that [illegible] Dachau [illegible] [illegible] about [illegible] [illegible] or the. [illegible] [illegible] satisfied [illegible] things that were [illegible] other [illegible]. Can you justify [illegible] descriptive [illegible] [illegible] camps in your [illegible] [illegible] would [illegible] [illegible] that was true?

A. The [illegible] I [illegible] was in 1942. [illegible] 1937 - 1939. [illegible] Spring of 1942.

Q. [illegible] correct.

A. [illegible] 1937 to 1939. That is [illegible]

Q. Well, [illegible], Doctor, in [illegible] .....

A. [illegible] your Honor, [illegible] subject. If [illegible] appropriate.

[illegible]: The [illegible] will be in recess until 1:30.

(A recess was taken until 1:30 [illegible])

AFTERNOON SESSION

(The hearing reconvened at 1300 hours, 3 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

MAJ. [illegible] - Resumed

CROSS-EXAMINATION (C[illegible].)

BY MR. [illegible]:

Q Dr. Becker, in May 1[illegible] you were appointed Chief of the Medical Office of the Reich S[illegible], that is [illegible], is that correct?

A It must have been in [illegible] when the Reich SS was established and also the SS administrative [illegible] Medical Office of the Reich SS became a branch of the Medical Office of the SS and was administered [illegible] the SS Medical Office. It was so in June 1944.

Q Then when were you appointed Chief of the Medical Service of the Reich SS, that is, what is considered to be a branch of?

A Inspectorate D was established later. In the SS administrative [illegible], 4 office groups were compiled from the various offices and Wiedemann's [illegible] was dropped for the first time. Inspectorate D, Inspectorate for Sanitary Service. [illegible] office group Inspectorate remained in existence as an office of 4 offices. The first office was for medical service, the second for dental service, the third for the pharmaceutical service and the fourth for the veterinary service.

Q Well, now, what was Dr. [illegible]?

A Dr. [illegible] was the medical service.

Q What was his office?

A [illegible] directed by Dr. [illegible]. In the beginning, Dr. Fahrenson [illegible] was killed in the [illegible]. He was succeeded by Dr. [illegible] and in June 1943 he went to the SS Main Office, to Berlin, as medical physician, and Dr. Ho[illegible] took over for a short period of time. He was in the fall of 1943, [illegible] at that time it was a [illegible] office. Those men were in charge of the Office for

[illegible] Medical Service.

Q. Now what was Act 14?

A. That was for the dental service.

Q. And Act 15?

A. That was the pharmaceutical service.

Q. Who headed that act?

A. Before August 1943 it was Dr. [illegible] Kreuter; he was succeeded by a young pharmacist, Dr. Rudolph, and in the end he was succeeded by a Dr. Lochning.

Q. How about 16?

A. Act 16 was the hygienic service.

Q. And that was at Auschwitz [illegible] yourself, wasn't it? Did you head that group 16 in the beginning, or was [illegible] always the chief of that department?

A. After the campaign in the West, [illegible] after he had been the chief of a medical company he returned to Berlin and then he was chief of the Hygiene Institute. At the same time he was also in charge of the hygienic service in my office; I myself was unable to be in charge of the department. I have never been a hygienist and I have never received a specialized training for that.

Q. Well, then, these 4 Acts, that is, Acts 13, 14, 15, and 16, were all under the group 6, of which [illegible] Chief, is that correct?

A. Yes.

Q. And the various chiefs of these departments, Acts 13, 14, 15, and 16, were subordinated to you, is that correct?

A. Yes, that is correct.

Q. You had the authority to issue orders to the chiefs of these various departments, I presume?

A. Yes.

Q. Well, now, prior to August 1943, that is, prior to the reorganization, the Hygiene Institute was not subordinated to [illegible], is that right?

A. Yes.

Q. You had authority to issue orders in that direction until August 1943, did you not?

A. Yes, for the Hygiene Institute.

Q. Dr. Ding-Schuler was detailed by you to Auschwitz until August 1943, wasn't he?

A. Yes, as Chief of the Hygiene Institute, not as Office Chief for the Office of Hygiene, that is Office Ia.

Q. How about Dr. Ding-Schuler?

A. Ding-Schuler was subordinated to me which has appointment a Chief of an Experimental Station by the Reichsführer SS, Dr. Grawitz. And from that time on my agency only had the care of his expenses but he was then subordinated to another agency and then when my budget entitled funds now came to which he was subordinated we had to take care of his expenses and that applied in this case.

Q. Well, now, you have stated that until August 1943 the Hygiene Institute of the Waffen SS was not a true [illegible]. Now, as a matter of fact, wasn't the Experimental Station at Auschwitz a [illegible] Station of the Hygiene Institute?

A. No, this was ordered by Grawitz to be an experimental station and was connected with the Research Institute of the Sole Physician of the Concentration Camp Reichsführer. I, as Chief of the Medical Service of the Waffen SS and as Inspector in the SS Administrative Main Office, had no right to give any orders in that field.

Q. That's clear, Doctor. Now, Dr. Ding-Schuler was the superior of Dr. Mengele, was he not?

A. No, Mengele was the assistant physician for this clinic in which the Reichsführer SS had established, that is.

Q. This was after August 1943?

A. Yes, that before that time, Dr. Ding, or rather, Mengele was the assistant physician of the Experimental Station, that is he was a subordinate of the Reichsführer SS, Dr. Grawitz, that is at his direct order.

Q What was the title of the experimental station at Hohenwald? Wasn't it the Experimental Section of the Hygiene Institute of the Waffen SS?

A According to the diary, where I have obtained this knowledge, and on the page which contains [illegible], it is stated by Dr. Ding that from the "Experimental Station" the name was changed to "Department for Typhus and Virus Research, SS Hygiene Institute of the Waffen SS, Hohenwald." However, that was the name for the production establishment which Dr. Kogon has stated here in his testimony, which was completely separated from the experimental station. Dr. [illegible] stated that Dr. Ding was the Chief of the Experimental [illegible] Chief of Block 50 [illegible] only owned a production establishment after August 1943 and [illegible] belonging to the Hygiene Institute. As I have already stated [illegible], it is a contract in itself that this produced a establishment [illegible] Block 50 but there no research was carried out at all, only production and that this was called Department for Virus and Typhus Research. Dr. Kogon has himself stated that this was done in order to the Hygiene Institute which [illegible] the very much [illegible] also [illegible] which also [illegible] as a [illegible] production establishment.

Q Well, now, Doctor, as we come to the typhus experiments and [illegible] I think that [illegible] Ding only, will also testify to the [illegible] of the Waffen SS [illegible] Stuckenbrok or other. [illegible] Dr. Schgerff [illegible], wasn't they

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A. As I have already stated Dr. Gebhardt, when he took over his position had a special confidential relationship with Himmler.

Q. However, he was your subordinate, wasn't he?

A. He was Chief of the Institute Schonlychen. Gebhardt had a similar position with Ravensbruck. He was Chief of the University Clinic, and at the time he was Medical Officer in the Army and Gebhardt was over the Civilian Institute of Schonlychen, and he was also in the same research status in the Waffen SS, and since he had already been a friend of Himmlers at an earlier period of time, he was in closer relationship to Himmler.

Q. Now, Doctor, I have asked you a question and you haven't answered yet. I think Dr. Gebhardt will tell the court and testify he at one time was your subordinate; now, I will ask you, at some time wasn't Dr. Gebhardt at some time or other during your subordinacy and he was, wasn't he?

A. At no time, no.

Q. Now since 1940, in 1940 was he your subordinate?

A. He was in the same position. There was a civilian department at Schonlychen. There was a hospital department of the Army with about 200 beds, and there was a military section in which the Waffen SS were placed, and in regard to this department, if you can call that a subordinate, but that is in the major part, it was just another department in the SS and the civilian institute. The Schonlychen Institute could not be subordinate to me, because it is in private property there.

Q. In other words, I take it you were not your subordinate insofar as he was attached to the experimental station under Dr. Ding and under Professor Gebhardt.

A. Gebhardt never been subordinate to me. As Dr. Ding has stated, Dr. Gebhardt was deputy of Dr. Ding at the Institute. I personally, as medical leader for the clinical station, and I did not have any official supervision or contact at all with the Schonlychen hospital.

Q. I am not sure, Doctor, that Dr. Ding or Professor Gebhardt could tell you that it was necessary to have a deputy appointed

to Dr. Ding[illegible] when he [illegible] Europe, that it would be necessary to have [illegible] in Europe, and you [illegible] said Dr. [illegible] carry on the work of Dr. Ding? Don't you remember that?

A. [illegible] I cannot remember that. Is that supposed to have come through my person in my agency?

Q. That is my understanding, Doctor, as a result of the Fuehrer's [illegible] of July 28, 1942, you became subordinated to Dr. Handloser, didn't you, insofar as the troops over which you had jurisdiction were on the front?

A. This subordination to Professor [illegible] was caused by the division of [illegible] the Waffen SS, which had been assigned to the Army. The division's physicians [illegible] were subordinated to the Army physicians of the Army Group medical officers. They were subordinated to the medical inspectorate of the Army or Chief of the Wehrmacht Medical Service. However, as far as the troops at home were concerned, there was no relationship of subordination to Professor Handloser.

Q. Why, should Professor Handloser have [illegible] over them, as Chief of the medical service of the [illegible]?

A. It doesn't make any difference. It could not be [illegible] connection with the treatment at the front. [illegible] in the hospitals [illegible], in my opinion, Dr. [illegible] was my superior officer, in that connection. And I [illegible] to my superior officer.

Q. [illegible] the circumstances [illegible] that are outlined by [illegible], [illegible] limitations [illegible], it was possible that if [illegible] it could possibly might, wouldn't you?

A. [illegible] only [illegible] the others at the front, [illegible] than [illegible] my channels. If [illegible] the Chief of the [illegible] Medical Service could [illegible] Army and Air inspectorate, [illegible] directly provide [illegible]. However, in the [illegible] inspectorate [illegible] medical officers,

to the Corps Army Medical Officer and [illegible] there and that would have been the channel of command, and of course would have received a copy of such orders. This is the opposite way to it is said in the way of submitting monthly reports from the SS Sanitätsamt. The monthly reports that the patients went, the original to the Corps Army Medical Officer of the Army, and I received a copy of that, and that would be exactly the opposite way.

Q. Now, isn't it true, Doctor, that matters concerning the budget of medical research in your department or in the Waffen SS were initiated by Grawitz, and were passed on to you and you in turn passed them on to Müller in Department "D", where they were finally sent to Oswald Pohl, in the WVHA, and Pohl allotted the amount of money requested; isn't that the procedure by which you went in order to receive funds for medical research?

A. I have seen two different budgets during the war; they were compiled by the Army and submitted to the Reich Physician SS, and as far as science and research is concerned, they were concerned in the budget plan. I have seen that not for the document, which was presented to the Tribunal here, and it must have been in 1941 or 1942. A number of budgets were set up for such institutes and they were included in the budget, and this was discussed in a meeting at the Ministry of Finance. I also attended this meeting, and it came from Pohl's main agency, the WVHA. When Obergruppenführer Frank was also present, on the part of the Ministry of Finance, the man who attended that meeting, this scientific request with regard to the institute in the budgets for the medical centers, was turned down; and as a result of this meeting I believe that this resulted in the document which has been presented here by the prosecution, and at that time I had to turn to the Reich Research Council in order to clarify the matter. This clearly indicates, in my opinion, that the channels were with regard to the subjects.

Q. Now, Doctor, suppose Grawitz desired funds to carry on some research which he found important; now, he initiates a request for those funds, and it was necessary for him to place in that request to Müller, wasn't it?

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A. I cannot remember that this was the case in practice, but if we assume that this was the case, that something was needed by the Hygienic Institute, then this had to go through the administration of the SS Leader main office, to which this institute belonged until 1943.

Q. Is that the office of Mueller in Department "A"?

A. That is in Department A of the SS Administration Office, and Standartenführer Mueller.

Q. And then it went to Pohl after it went to Mueller in the WVHA, and Pohl allotted the funds?

A. I do not know the other procedure past Mueller, but after the budget was approved by the Finance Ministry it certainly was in the hands of Pohl. As far as I know from 1942 on he did not make any new budgets and did not make any new budgets in the course of the year, but it is true that Obergruppenführer Pohl was the Reich Finance Minister who allotted the money.

Q. Now, Doctor, it has taken us a minute to get the answer. Isn't it true that matters concerning the budget went to Grupowsky and were then passed on to Pohl, or passed on to Mueller in Department A and finally were sent to Pohl in the WVHA, and Pohl allotted the money? I wish you would be more precise in your again, around the room —

A. Why I didn't make a mistake? Is Dr. Grupowsky initiated these things in my application to the Institute.

That was outside my field of competence, but it is not over Mueller, but if Grupowsky incident to establish the results probably present these matters in detail to Pohl, because he did not have any main office. But you just made a mistake, and I should say Grupowsky had initiated these things. I did stated that the [illegible] which referred to the Hygiene Institute Grupowsky did pass them on to Mueller, but anything also, with regard to scientific research. Remember for the Reich Physician, and he and his own staff handle these matters.

Q. [illegible] the course of your direct examination, you have stated that you [illegible] activities in the field of human experiments with which the Hygiene Institute of the Waffen SS was connected; isn't that so?

A. [illegible] I must clarify [illegible] experiments on human beings. I have stated [illegible] very beginning [illegible] that Grawitz appoin[illegible] research [illegible] in order [illegible] clinical use [illegible] clinical [illegible] with reference to experiments on human beings I cannot [illegible] on the part of [illegible] was given any information whatever.

Q. Now, assuming that Grawitz was absent from his duty due to illness or [illegible] were you responsible for all of the [illegible] SS medical service during the absence of Grawitz?

A. [illegible], I [illegible] have been assumed [illegible] was the deputy of Grawitz; however [illegible] only when I [illegible] at that time when I was still [illegible] to Grawitz in the [illegible] SS medical staff; [illegible] I was his deputy for three or four weeks [illegible] in the west. [illegible] placed [illegible] little [illegible]. This was [illegible] he [illegible] which [illegible] I believe that I [illegible] statements [illegible] relationship to Grawitz [illegible] difficulty with [illegible] so-called [illegible] this situation [illegible] that I [illegible] deputy to Grawitz. It was [illegible] if it was [illegible] him.

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Q. Next to Grawitz, you were the most important man in the SS medical service; were you not?

A. I don't want to pass my judgment as to my importance, however, it is [illegible] that I was the oldest medical officer in the Waffen SS, who was [illegible].

Q. As a matter of fact, [illegible] you consider yourself [illegible] the SS medical service; [illegible]?

A. I don't know that, I never [illegible] I cannot say yes. I cannot say yes to a Churchill [illegible].

Q. After 1943, there was practically no medical service to speak of and in your capacity as chief of the medical service of the Waffen SS within the SS your position was exceedingly weak; was it not?

A. It was [illegible] medical [illegible] report [illegible] other [illegible] seven were [illegible] medical officers. Of the others [illegible] killed in the [illegible], Kirchert in the Reichs Security Main Office, Dr. [illegible], who was the Chief [illegible] Office and Sublemann Office and [illegible] police, the [illegible] chief of the police. I was just [illegible] physicians [illegible] these [illegible] physician.

[illegible] "[illegible]", [illegible] settlements in the East, then there [illegible] higher [illegible] SS leaders were [illegible] the leader of the SS. Furthermore, there [illegible] their medical service with a medical officer in charge under the agency of [illegible] the medical schools. [illegible] to describe that [illegible] the Reich physician. [illegible] chief of the medical service of the Waffen SS must not be [illegible], because I was not a student either of the troops at the front. [illegible] tried to describe [illegible] as clearly as possible.

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Q. Now, in the reorganization of the medical service of the SS, that took place in August of 1943, Krugowsky sent reports to you concerning the conduct of his department; did he not?

A. Did I understand you to say after the reorganization?

Q. Prior to the reorganization - before?

A. As I have already stated, to the main in my examination by the defense counsel, if Krugowsky, he participated in a meeting and gave me an over-all report. He did not engage in any correspondence. I did not like to have a lot of paper correspondence. Instead I had conferences. In the session, he reported - as well as was necessary - and in conference with this I

[illegible] by instructions and directives.

Q. Did it consist not with [illegible] Drumwaky telling you that [illegible] to and you were the man, as I recall, who did not collect in a paper war. [illegible] instructed Drumwaky not to report to you in writing, but orally; didn't you?

A. It is quite possible, yes, I wanted to keep it as brief as possible.

Q. How often did he report to you?

A. It was usually once a week a meeting of the referents took place at my office. No certain time was set, but it depended on the amount of work which had accumulated and I called these referents together according to the importance of matters in hand and then the proper referents would participate, some times ten or twelve participation.

Q. [illegible] from your office and the office of Drumwaky; was [illegible] so?

A. Yes I was in the office of Drumwaky. You had to walk out the door and then [illegible] stairs to take a taken outside the door, then you came to the so called first floor.

Q. Well, then it was possible for Drumwaky to give you a special report without a great difficulty; wasn't it?

A. Yes, Drumwaky, I would like to [illegible], was very often away on official trips, so I have no [illegible]. He took a great number of trips to the front [illegible] for three months he was not there and very often we were unable to see each other due to very short distances.

Q. Now, Dr. Gaston, in your opening statement before this Tribunal, Sir, at your defense counsel you have emphasized the fact that your sole and exclusive task was the political [illegible] of the Ministry of the Interior SS and this involved [illegible] 300,000 men; is this a fact that you have attempted to convey to us?

A. Yes, the 900,000 which [illegible] were included the losses [illegible] the files of the first [illegible], there were [illegible] 180,000 men. Therefore, it is correct that [illegible] the reduced service [illegible] in the [illegible] in contrast to the navy [illegible] and the inspectorates of the navy and the Luftwaffe [illegible] to the field of scientific research and [illegible]. This is [illegible] in a written order from [illegible] the leader [illegible] of the SS, [illegible] Himmler [illegible] from SC, but also to the [illegible] SS and the police.

Q. Which, at that time, [illegible] of the Waffen SS were [illegible]; were they [illegible]?

A. Yes, in the [illegible] in the West four divisions were used [illegible] the beginning of the campaign [illegible] -- six divisions [illegible] in the [illegible]; the divisions [illegible] in Finland [illegible] divisions in the [illegible]. [illegible] there were [illegible] and seven [illegible] in Russia. Also [illegible] there were nine, then in the following [illegible] divisions were [illegible] very [illegible] and in 1943 [illegible] divisions [illegible] 1 for [illegible] the end of the war, [illegible] Karst and new divisions [illegible]. All [illegible] only [illegible] 2 divisions [illegible] they sent to the front [illegible] they [illegible] their training.

[illegible]

[illegible]

[illegible]

[illegible] thirty-six, [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

main and exclusive task was the medical care of the fighting units —

A. May I ask you to repeat it once more? I did not get the end of the sentence.

Q. You have stated in your previous statement — I repeat it for the second time — that your main and exclusive task was the medical care of the fighting units of the Waffen SS, and that this involved [illegible] the needs of [illegible]. Now you state that when they went to the front they only [illegible] connection with [illegible] councils. Well then, how do you justify the fact that you have stated in your affidavit presented to this Tribunal that your main and exclusive task was the medical care of these fighting units? Were they under your jurisdiction or weren't they?

A. The medical care of the front units was not part of my work. My task was to establish these units and equip them with medical formations, with medicines, with [illegible], clothing and so on, but [illegible] activated them from me. When they [illegible] they were assigned to the army. They also fell under the care [illegible] of the army; that is, the higher medical officer of the army. For example, if any reason station was destroyed, then this was replaced by the army, not by me. Only if the army was unable to do that, then [illegible] the unit in question, but that was an exception.

Q. Well then, it follows, Doctor, that to find out if [illegible] of the various units at the front was [illegible] of interest to you, wasn't it?

A. [illegible] the personnel. If [illegible] sickness or fatalities, then these would be replaced from our personnel.

Q. All right. Then it is true, isn't it, that the [illegible]?

A. That is what I have stated this morning, that this was a reason [illegible] SS was [illegible] typhus vaccine [illegible] production of

these results was insufficient. I was interested in the results of the [illegible], but [illegible] the first [illegible] this [illegible] I was informed [illegible] the results [illegible].

Q. Well then, inasmuch as you were particularly interested in the [illegible] of [illegible] were [illegible] the East [illegible] like little flies [illegible], what [illegible] yourself about it? It was of [illegible] slight interest to you.

A. Why [illegible] like little flies [illegible]?

Q. [illegible]. Weren't they all [illegible] in the East [illegible]?

A. [illegible], I [illegible] possibilities. [illegible] that was one possibility, and the other possibility was [illegible] [illegible] [illegible] [illegible] [illegible].

Q. Well then, [illegible]

units, having a replacement problem and being charged with the sole and exclusive medical care of these fighting units of the Waffen SS, then it is reasonable to state that you and Handloser were perhaps the only two men in Germany who were really interested in the outcome of this typhus epidemic in the East? You were the two men who would be most concerned, weren't you -- not Gravitz?

A. No, we were not the only men because this epidemic was also threatening the civilian population and the civilian sector was just as much concerned as we were, and also the Army Inspectorate and the Naval Inspectorate and the Luftwaffe Inspectorate were, of course, also interested in the question. This is increased by the fact that the Robert Koch Institute had its own production facilities. I do not believe that I was the only man, with Professor Handloser, who was interested, and the Air Force Physician SS was my superior, and Handloser was my superior of the whole SS and he was also responsible for the police. Therefore, he also was interested and he actually was responsible for taking care of the field of planning and research. This was not his case with me because I worked on other tasks. I was mainly interested in the results of the production which became reality in the fall of 1943, when we were able to manufacture thirty thousand portions of vaccine.

Q. Well now, the production of vaccine was a problem which concerned you and also concerned Dr. Handloser, as a matter of fact he was on the stand. Now, the Weigl vaccine, that was the one that you had in unusual quantity at that time, was needed for experiment, didn't you? Because you didn't produce the Weigl vaccine in sufficient quantity, therefore experimentation was necessary. Now, I mean by Weigl vaccine I mean a vaccine developed in the production of louse vaccine or louse blood, that was a busy with those germs, a germ. Vaccine that you didn't have the facilities to develop in the production problem?

A. Yes, that is the way it occurred, sir. At the time we really had no vaccine. There were plenty of them. We constructed new laboratories, reorganized medical units. We worked out these problems. We made

[illegible] power for protection [illegible] old. There were many other similar cases. Further [illegible] special relevance, the special relationship [illegible] take care of those babies.

Q. Well now, inasmuch as the [illegible] vaccine was the brainchild of [illegible] study, from your school of medicine's research [illegible] would it be your fact you could produce this vaccine in the quantities needed?

A. It was important for us to obtain the necessary amounts of vaccine [illegible] for [illegible] to support the campaign against the disease and [illegible] interests.

Q. Well, our first problem, from that [illegible] your own interest, [illegible] that vaccine could be produced in the greatest quantities and with the greatest expediency, would it?

A. That is a very [illegible]. It was a [illegible] of the epidemiologists and [illegible] also solved by them.

Q. All right. Regardless [illegible] of that time. Certainly you must have had several [illegible] with mass production [illegible] reaction, didn't you? [illegible] greatly.

A. [illegible] at the [illegible] information -- [illegible] -- but no other-[illegible] discuss these matters. I do not know why. [illegible] Granite [illegible] not [illegible] with these things, [illegible] keep [illegible] it.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

A. (Interrupting) That is quite possible, [illegible] may have [illegible] that, [illegible] sta-[illegible] [illegible] possible. [illegible].

Q. [illegible]?

A. [illegible] [illegible].

Q. [illegible]. [illegible] that [illegible] [illegible] [illegible] state.

A. Well, this [illegible] which [illegible], that in Block 20 [illegible] start [illegible] department [illegible] 1944, and [illegible] is clearly [illegible]. [illegible] Block 20 in the [illegible].

Q. Well, now, [illegible] Buchenwald Concentration Camp [illegible] [illegible] [illegible]

A. [illegible] exactly.

Q. [illegible] Dr. [illegible]?

A. [illegible] Dr. Grawitz, is already [illegible] stated. It is stated in the [illegible] testimony [illegible] Grawitz.

Q. [illegible] —

A. [illegible] interest in [illegible] [illegible].

Q. [illegible] report —

A. [illegible] scientific report from the [illegible] division. I [illegible] quite clearly in [illegible] questions [illegible] information.

Q. [illegible] report [illegible].

A. [illegible] it in the spring of 1943 when it [illegible] that the [illegible] of typhus vaccine [illegible] 10,000 [illegible], and 10,000 were [illegible] for the [illegible] 10,000 [illegible].

Q. [illegible] affidavit, [illegible]

[illegible] institute [illegible]

[illegible] 1, 1943.

[illegible] to a group of questions of Waffen SS Medical Service was carried out and I was placed directly under Dr. Grawitz, then Reich Physician SS and Police. In the beginning of 1942 --"

Then the defendant now states it until the 1943, according to the [illegible] in this domain, --

"Dr. [illegible] ordered the formation of the Department for Spotted Fever and Virus Research at the Robert Koch Institute of the [illegible] in the Buchenwald Concentration Camp and appointed Dr. Ding as Chief of this department. As I was at that time Chief of Amt XVI of the SS Central Medical Office, I was the immediate superior of Dr. Ding."

Now, will you come back to that sentence. "As I was at that time," [illegible] that, [illegible], "Chief of the Amt XVI, I was the immediate superior of Dr. Ding." In addition that he was the superior of Dr. Ding at the experimental research station, which [illegible] before this [illegible] deposition, and [illegible]. Now, I will turn to paragraph 5 of that affidavit:

"Dr. Genzken knew as a matter of course that the Institute was [illegible] sufficient [illegible] the Department for Spotted Fever and Virus Research at Buchenwald, [illegible] Concentration Camp [illegible] carried out by Dr. Ding in order to [illegible] the effect of various [illegible] vaccines.

[illegible] 1943 I [illegible] to Dr. Genzken [illegible] the results

experiments not productive, experiments carried out this year. In this report I have the necessary explanations. I served Dr. Gunzion some charts which were sent to us by Dr. Dirg's office, on which indicated the fever and pulse curves, the dates of the vaccination and artifical infection, the death rates, complications which arose, etc. One of the six oriental series shown in the charts was carried out on people who were only infected but not vaccinated in order to find out the potency of the vaccines used in other cases."

Q. Now, Doctor, this report that Dr. Zawirwsky made to you, was it not obvious from the report that experimentations were made on human beings?

A. No.

A. Yes, various things can be said in that connection and I would like to hear Professor Drugowsky in this connection when he gets to the witness stand. I was charged with blood [illegible], which he as Chief of the Production Facilities and I have stated that it can only have been information which was brief and did not go into detail and I am only surprised that he reported these 30,000 portions to me, and that he reported to me about the vaccine, and that the vaccine which was being produced for the SS was the best. In the meantime I have thought of this discussion and it certainly must have been very brief. I believe that I can remember that both of us were standing at the time. I would like to hear Dr. Drugowsky when he takes the witness stand. I can only contribute here here that if this had been a detailed discussion then I would have had to have obtained the big figures of the experimental series, and as far as I remember 16 experimental series were made for typhus and 13 of another [illegible] with a total of 29. Furthermore, the big figures of the experimental subjects which almost reached a thousand and the big number of fatalities which came approximately to 210, and I can state here under oath that I did not know anything about what was going on. I did not know that Hirn Ding's laboratory. I did not know that Wing and his institute worked together with foreign scientists and I have only received knowledge about this from certain Dr. Eyer and actually Dr. [illegible]'s personality is such that I can say something about that [illegible], above all I want to state here with those are things which only came to my knowledge here in the Palace of Justice, and it is correct for such things that the injections which were carried out. I did not hear anything about this from Drugowsky.

Q. Did you deny that Drugowsky showed you the fever charts and other medical reports as he stated here in his affidavit?

A. I have already stated that in interrogation that I cannot [illegible] my documents. As I have already stated the conversation was very [illegible] we were both standing and this could only have been in the days [illegible], as I have already stated this morning, I was returned from the front [illegible] that I had gall colic [illegible] and when I only returned to my

[illegible] for a short period in order to settle work which had accumulated. Then I was being treated as a result of my gall colic. That is what I have to take into consideration in that connection, what I have stated under oath.

Q But you don't deny that Krugowsky showed you these four curves and charts? You didn't deny that, do you?

A. I have just stated that I cannot remember - I cannot remember that he had any documents with him, yet I cannot answer in the affirmative and I do not deny it.

Q Didn't you state in an interrogation last October that you thought you could vaguely remember a conversation you had with Krugowsky, and that the lower curves did not indicate to you that people were not infected. Didn't you say that last October in an interrogation here in Nurnberg?

A. It was as follows: [illegible] I did not have an opportunity of testifying without first consulting my defense counsel, and at that time without a defense counsel I was confronted by Krugowsky. We actually were not confronted with each other but we had our backs to each other. I was behind Krugowsky so that I was even unable to see his face and Krugowsky did not have the opportunity to hear the word from Krugowsky and they told me these things in a similar manner as you are telling them to me now and he said to me, among other things, that I said I could remember that I was informed as to the fact infected mice were used, which is - if you don't want to call your colleague a liar, we will let that matter be where it will stand but I never called anyone a liar. I regarded Krugowsky as a man I had a great deal of respect for and I couldn't imagine that he would have said anything which would not be correct. That was on the third of September and on the 12th of October, after I had thought over the matter, I basically reviewed it, and I had a severe struggle with myself, because they stated to me that this is to be withheld and nothing should be added, and then finally I made such a statement and I made a statement that it was quite possible

[illegible] it without the serious moral character behind, also to [illegible], because I had not received any educational training in these [illegible]. However, without giving the knowledge which I have now and since perhaps at that time when I thought differently would lead to know if [illegible] stated that, that I do not maintain any more serious knowledge that [illegible] which I have obtained from these 1,000 experimental subjects, and that is that 560 of them were infected and 250 dead.

Q. [illegible], doctor --

A. And even the figures [illegible] anything to me.

[illegible] informed. I did not have any knowledge of these things. I have only heard of them for the first time here in the Office of Justice, and I am quite sure that we were starting at the time, and I suggest that informer Gruschwitz be asked [illegible] this subject here in the witness box [illegible] the debate will be clear.

Q. Isn't it quite clear as [illegible] people had to have [illegible] experimenting with these vaccines? How [illegible] people contracted typhus?

A. I have already stated that to the [illegible] I thought there was an epidemiological solution, the fact that typhus should occur in [illegible] camp [illegible], it seemed to me that the information that typhus had broken out was a sign of an epidemic, and I thought that observations were being made on persons who had been vaccinated and persons who had not been vaccinated in the occasion of an epidemic. As I have already stated, I did [illegible] any bacteriological or serological training and I did not think people were being infected in order to test medicine. I did not reach [illegible] conclusion and I have already stated that in an interrogation, and then finally I began to understand it when I was told that in the interrogation by Gruschwitz, and I have already written it in the written statement which I gave in the year 1942, and I have also told that Dr. Luxenberg and I have had many different injuries to my body. That was in 1942 [illegible] functional interference. I was unable to reach conclusions too clearly. I believe that sometimes I fail to associate things properly,

and perhaps it may have been I failed to understand a report from Dr. [illegible] yesterday.

Q. Doesn't it seem ridiculous to you —

[illegible] PRESIDENT. The Tribunal will be in recess at this time.

(A short recess was taken.)

THE MARSHAL: Persons on the courtroom will please take their seats.

The Tribunal is again in session.

[illegible] - Senate.

CHARLES [illegible] (Cont'd.)

[illegible]:

[illegible], Doctor, you have stated that it presented that to you [illegible] the region in the Department's consideration [illegible], so to speak experimental supplies [illegible] system [illegible] this [illegible]. Now isn't it a little ridiculous to think that a local [illegible] of a soldier [illegible] experimental [illegible] anti-typhoid vaccine [illegible] already have [illegible]—what is the value of the experiment?

[illegible] There was no necessity for [illegible] to prevail. In large [illegible] in Rochester, there were currently new [illegible] and [illegible] to them. We knew of [illegible] a lot [illegible] could be achieved by [illegible] vaccinating [illegible] vaccinating others [illegible] thereby [illegible]. I recognize that at that [illegible] time I had a tremendous [illegible] subject [illegible] this [illegible], I thought [illegible]. I [illegible] further [illegible] about this matter [illegible] the Tribunal, [illegible] in this [illegible].

[illegible] Well, let me [illegible] anything further, Doctor. I [illegible] something [illegible]. You [illegible] within [illegible], [illegible], [illegible], [illegible]—is that correct?

[illegible] Did you say "[illegible]"?

[illegible] "[illegible]."

[illegible] Yes. It was from [illegible], the Chief of the Experimental Station, [illegible].

[illegible] I'm [illegible] that in view of [illegible] testimony, [illegible] testimony [illegible], [illegible], [illegible], [illegible] to [illegible], [illegible].

"From my association with Dr. Ding, I understood that the chain of command in the supervision of the 'Spotted Fever Experimental Station' was as follows: Reichsarzt SS Grawitz, Gonzkon, Mrugowsky, and Ding."

A. That was a false assumption. He said "I understood" and that was a false assumption.

Q. Then we have Ding assuming this, Gerum assuming it from Ding, Dr. Rogan, the witness, and Mrugowsky "assumed" that was the chain of command. However, you state that it was Grawitz to Ding and that was all you knew about it. Mrugowsky didn't have anything to do with it either?

A. Mrugowsky was the expert. He was the so-called hygienic consultant who was asked to give his advice whenever necessary. I testified to that effect before. When some landing about a new vaccine was started, the Reichsarzt naturally asked Professor Mrugowsky as the hygienic expert who was at his disposal.

Q. And Mrugowsky at that time was your subordinate, hence I assume that you accept responsibility for any activities of Mrugowsky in connection with the Buchenwald experimental station--is that a correct assumption?

A. No, that is not correct; only for his services at the hygiene institute of the Waffen SS and as experimental chief in my office, but not at the experimental station.

Q. Well, now, let us get back to another subject, doctor. The Waffen SS typhus units were subjected to certain conditions. Were any of them healed?

A. The losses were very great, particularly because it was known that the Waffen SS divisions were always assigned to the hot spots of the battle. That was always customary and therefore the losses were relatively high. I can't give you any exact figures. I only know that at the end of the first trial, from 500,000, only 900 remained alive. That is to say, the losses were amounting like 400,000 or rather 320,000. I can give the losses as I saw them in the first trial. As to the total number injured there were, I can't tell you. I haven't any idea.

[illegible]

A. Well, then, did you have a definite policy established for the care of your wounded soldiers, that is, did you have certain prescribed methods which were to be used for all cases, and battlefield trends?

A. Just was the ordinary treatment if any available. They moved were sent to the dressing station, then to the main dressing station to the base, from there they went to the hospitals and there they were treated on the basis of the principles of surgery.

Q. When the natural resources of the country, say drugs, to used in the case, were interested in "Gerard's Drugs" which is in getting a, Doctor, is that treatment this substitution of the have been, if consistent interest to you, [illegible]?

A. Yes. There were no [illegible] available, [illegible] and serious. [illegible] were very important. The use of substitutes [illegible]. [illegible] particularly [illegible] on the strategic positions, [illegible] order [illegible] [illegible] the authoritative power for the [illegible]. [illegible] were [illegible] available where substitutes [illegible] at all. The [illegible] over [illegible] the [illegible] in [illegible], [illegible] a [illegible] before, [illegible] [illegible] of [illegible] [illegible], without [illegible] [illegible] [illegible].

Q. Well, now Fischer has stated in his affidavit, which is Document No. 203, Prosecution Exhibit 234, that the pancreas & stomach cultures for use in the experiments were obtained from the Hygiene Institute of the Waffen SS. These experiments were carried out in 1942 and 1943, were they not?

A. Yes, it can be seen from the trials.

Q. The Hygiene Institute of the Waffen SS which that period of time was subordinate to Department 16, was it not?

A. Yes.

Q. Department 16 was subordinate to Sanitätsgruppe D, of which you were chief, was it not?

A. Yes, that is correct.

Q. Now, these phlegmon bacillus experiments and these incendiary bomb experiments, which the prosecution contends against you, I have an question to ask; weren't these experiments of a nature to cause the Wehrmacht?

A. I always heard that these experiments on the basis of the bills requested.

Q. No, but I ask you whether these experiments were of benefit to the Wehrmacht? Didn't they, as you said, say that the Wehrmacht would be interested in such a war treatment?

A. According to what I saw from the documents the Wehrmacht, if it ever became involved in such an affection with a phlegmon bacillus, that is a phlegmon bacillus, or especially I am very skeptical about that, for I don't know what it could be used for. I don't believe any result was reached. I don't believe this experiment was ever repeated.

Q. Now, I will read to you a statement of Professor Ruff, I don't recall if you served, that gas with phlegmon bacillus or incendiary bombs were of interest to the Wehrmacht.

A. I didn't say nothing about that. I don't know about it.

Q. Now, let me, you know Professor Ruff, the well-known professor?

A. During the interrogations I said I am other opinion, that I did not know anything about the exhibition of the film. I was there at one occasion. About this thereafter I met Professor De Crinis, Director of the Psychiatric Clinic in Berlin. I met him at the part where I was active, in

we had a discussion about that film, and exchanged views on the various aspects. At this opportunity Professor De Crinis talk so very discretely about the Fuehrer's Decree, and said that a department had been created in the Reich Chancellery in order to carry out euthanasia. He said that this action was stopped in 1941, because of the interference of the Church, and that is what I know about euthanasia.

Q. Well, now, what I am getting at, Doctor, you have testified before you saw a film, a euthanasia film, was that the same film that was brought up during the interrogation of Professor Leibrandt, is that the film I accused?

A. Yes, I believe, where multi-pleurdes came in play as a disease, and in my opinion that was a mistake.

Q. Well, my question to you in that regard, Doctor, is where did the film originate from, who was the author of the film, so to speak, were you able to ascertain that when you saw the film?

A. No, I didn't know. I didn't know what agency originated the film, and I do not know whether the invitation came from the civilian sector. I cannot tell you.

Q. Thank you. Now, Doctor, you have stated that in Department 15 or Amt 15, which was subordinate to you as Chief of Staff Group D, that Dr. Blankenburg was Chief of that Division, that is Amt 15; now did Dr. Blankenburg ever report to you in regard to sterilization experiments?

A. No.

Q. What was your subordinate duty in sterilization work?

A. I learned from the documents that he was approached in order to obtain X-ray apparatus and others. Blankenburg the same situation prevailed as in the Institute report in Berlin. As I said before the hygienic institute was the only institute in the country which was not only subordinated to the Reich SS, but also subordinated to the other SS groups, such as the police, so that all branches of the SS approached this department in Berlin and requested for the supply of apparatus, trucks, and so forth. In the course of the activity in science and research Dr. Grawitz could approach this hygienic institute and could issue orders to them and could also invite a circle of collaborators and very easily exclude me. Of course in the

documents here we were concerned with the X-ray exhibit, of which I knew nothing.

Q. Yes, that is Document No. 212, which is Prosecution Exhibit 173, the subject of which is "Discussion of Sterilization of Women at Auswitz Concentration Camp." It is most interesting to note, Doctor, that your immediate subordinate, Chief of Amt D5 directly under your control, states in a letter which I shall quote, "In addition I should like to make a further request, it was SS Obersturmführer Dr. Blumenreuter who finally managed to get me one suitable X-ray installation so that he could carry out that serious method of sterilization as proposed by Viktor Brack." It was signed by Dauber. What was one of your main duties in the Auschwitz Concentration Camp, Doctor?

A. I don't know anything about it. Blumenreuter, for instance, supplied the Waffenfarbenn Mittelstelle, but I received no knowledge of that, and the supply for the concentration camps originated from there and I received no reports from that, as Chief of the Office SS Medical Service.

Q. Did Dr. Schlidler have any connection with you, W-o-l-f-r-a-m-?

A. Dr. Wolfram was the director of the X-ray unit. It was a very peculiar situation. In normal life, medicine, one would imagine it was subordinated to us, but it wasn't subordinated to us, but to the operation of the main office, and was equipped only by people who had some medical experience. There was only a connection this X-ray unit had with the SS. This X-ray unit was under the disposal of Frank, who had to decide where this unit was concentrated. The task of this unit was X-ray centers of certain persons and Frank defined those persons who were to be sterilized. The leader of the section was Professor Schlidler who was professor at Frankfurt University and later went to Prague University. That is all I can tell you about this.

Q. Of course you have read Document No. 245, which differed I don't know whether you remember, which is in connection with the study of tuberculosis, that Dr. Wolfram, your subordinate, Schlidler, was also connected with the activities of Blome and Gerlach. Now I'm going to read your name as well to the program, Schlidler, Wolfram, Wolfram, typhus...

A. I can tell you Dr. Schlidler was not a subordinate. This unit was not under us. I can give you the testimony of Joachim, who is here in this building, to the effect that this X-ray unit was not subordinated to the SS but was directly subordinated to the Chief of Operation of the Main Office under Dr. Wolfram. He was not my subordinate.

Q. Well, now, Doctor, is Karl Gerlach familiar to you. G-e-r-l-a-c-h?

A. No, I hear this name here for the first time. I don't remember anything.

Q. Now, I want to call your attention to Document No. 155, Prosecution Exhibit 265, where Dr. Gerlach was transferred to the Office 36, in charge of Dr. Hirt in the Ahnenerbe, which is the same organization of jurisdiction as that of the Waffen SS in concentration

with Lost experiments. What do you know about freezing experiments, Doctor?

A. With reference to Dr. Wimmer I may say this man came at a time, as far as I know from the documents it was May 1943, when I had been at Karlsbad, and he certainly was not present at my office. If a physician was transferred the clerical work through my personnel office and I didn't necessarily receive any knowledge of it, but as far as I remember this letter must have been around 1943, at a time when I was caught in Berlin. At any rate, I don't remember Dr. Wimmer as a member of one of my physicians at that time.

Q. Now, Doctor, do you also recall Prosecution Exhibit 79, which is Document 1612-PS, which I will read to you. This is a letter dated 13 December 1942, it is addressed to the following people: Hauptsturmführer Dr. Rascher - No. 1; No. 2 - Berlin; No. 3 - Medical Office in SS Führungshauptamt, which is your office in Berlin; No. 4 - Pohl and No. 5 - Himmler. The letter concerns the experiments of Dr. Rascher.

"Enclosed I am sending you a letter of the Reichführer SS with an order for SS Hauptsturmführer Dr. Rascher. You are requested to duly note and record medical assistance to Hauptsturmführer Dr. Rascher in the carrying through of his experiments."

This is obviously a report by Karl Brandt. Here you are receiving a letter indicating you were fully aware these experiments were being carried out on prisoners at Dachau. You received the letter?

A. I was not the recipient of this letter. As I said before it was the SS Hauptsturmführer Dr. Schaney, the other gentleman, was corrected and said that he was a member of the SS. My office was called the Medical Department of the Führungshauptamt SS. It definitely was in error that it was the Ahnenerbe of the Reichsführer SS. I never read this letter, nor did I receive it. I heard the name of Rascher for the first time at the Internment camp.

Q. This address here is Medical Office in SS-Führungshauptamt, that is the German; that was your office - SS-Führungshauptamt?

A. Yes; SS-Führungshauptamt.

Q. The last paragraph in the letter, addressed to you, signed by H. Himmler, states: "The procurement of the required means for all the experiments should be discussed in detail with the Office of the Reichsarzt-SS, of SS-Hauptverwaltungshauptamt (SS Main Office for Economics and Administration) and with Himmler. The necessary chemical products, medical supplies and glass ware will be made available by SS-Sanitätsamt (SS Medical Office) Berlin." It was your office that was concerned with the work of Rascher at the time you were in complete jurisdiction over it?

A. Yes, that came under the subject which I have mentioned; medical,

was the main medical department under Blumenruether did not only work for the Waffen SS, but for all other branches of the SS. Rascher could order from them whatever he liked on the basis of his authority.

Q. I might also call your attention to Diary's Diary, No. 43, Document No. 538, Prosecution Exhibit 122, under the date of 1 February, 1943. The notation in Diary states: "Department of Sanitation of the Waffen SS, SS Brif. Blumenruether: procurement of apparatus, instruments, tools, and chemicals for experiments by SS H'Stuf. Dr. Rascher." Your work was quite significant; Blumenruether was your immediate subordinate in Amt. 15?

I also wish to call your attention to Document No. 647, which was Prosecution Exhibit 124: Subject: "Cooperation with the Hygiene Institute of the Waffen SS." This is dated 16 December 1942. At that time the Hygiene Institute of the Waffen SS was subordinate to you; was it not?

A. The Hygiene Institute of the Waffen SS was subordinate to me.

Q. The letter states: "With reference to my letter of 9 June, 1942, regarding vermin control, a meeting took place first on 21 October 1942 with the participation of SS Standartenführer Dr. Grupkowsky and SS Untersturmführer Dr. Schreiber, Hygiene Institute, 1/64. Under discussion was the cooperation not only in the field of vermin control, but also in the research-sphere of Rascher and with regard to the use of Gratein water in case of freezing, as well as in various specialized fields of the Hygiene Institute, as had already been indicated in the interview with SS Untersturmführer Dr. Schreiber on 6 November 1942.

"A further meeting took place then at the Hygiene Institute of the Waffen SS on 20 November 1942 in which SS Standartenführer Dr. Grupkowsky, SS Hauptsturmführer Stowasser and Lecturer Dr. Ilg took part. Dr. Ilg promised to be of assistance to Rascher in his research plans."

Was this your subordinate on 16 December, 1942; was he not?

A. This is in parentheses; I didn't hear that first sentence?

Q. Was this your subordinate on 16 December, 1942; answer me?

A. Yes, I am certain; I didn't hear the first sentence.

Q. Your subordinate was concerned with the research of Rascher. The

last sentence. The 1st sentence says that a further meeting took place at the Hygiene Institute of the Waffen SS on 20 November 1942 in which your assistant took part.

A. I did not receive any report about that and it was not reported to me that Brugger visited the Hygiene Institute or that he made any visits there; I know nothing about these teacher conferences.

Q. What was your rank in the SS, Doctor?

A. SS Gruppenführer.

Q. You had control over the activities of your subordinates; didn't you?

A. My control went as far as it was necessary. I controlled the various departmental chiefs, but only to the extent to which it was necessary. I gave them all the freedom which a politician is to have.

Q. I have no further questions, Your Honor.

BY THE PRESIDENT:

Q. Witness, referring to the chart which you prepared, Document Koehler 5, which has been admitted in evidence, I note on the left of the block for Himmler, if you will look at the chart, the box containing the name Brandis, under that is a box marked "Reichs Security Main Office;" who was in that office in charge of conducting that office?

A. The chief of the Reichs Security Main Office was Heydrich and after his death Obergruppenführer Kaltenbrunner.

Q. Was in the middle?

A. This is S.S. V.H.A., the main command and administrative main office; its chief was Obergruppenführer Pohl.

Q. In the box below that; inspection of concentration camps, who was the head of that?

A. The inspectorate of the concentration camps was Gruppenführer Glücks.

Q. Who was in immediate control of the camp at Buchenwald?

A. The Camp Commander?

Q. Yes.

A. I only learned that here; the name of the last commander was Oberfuehrer Tieder. I think he was SS Oberfuehrer.

Q. Do you know who was the chief officer of the medical department in Buchenwald?

A. That was the camp physician. There were a number of physicians in the camp and the one with the highest position was called the camp physician and Dr. Hoven held that position in Buchenwald. For sometime after him it was Dr. Schidlowsky as far as I know.

Q. Now, at the column on the right, the first box, "Personal Staff;" who was Himmler's Chief of Staff?

A. Personal staff, as far as I remember it was Obergruppenfuehrer Wolff. This was the first level.

Q. I did not get that name, witness?

A. W-o-l-f-f-.

Q. In the box below "SS Operational Main Office?"

A. The chief was Obergruppenfuehrer Hans Juettner. There is another Obergruppenfuehrer Max Juettner who was with the SA. The name of this man is Hans.

Q. Now, the medical officer of the Waffen SS, the box below that; was that under your command?

A. Yes.

Q. Who was second in command to you?

A. That was the respective chief of the department for medical service. At first it was called Amt. 13, which was the highest office in my group of offices. This so-called chief of the medical service at the beginning of the war held the rank of an Oberfuehrer, his name was Oberfuehrer Fahrmann. He lost his life in Bucharest, then it was Brigade fuehrer Berndt, who died after he was in prison for a short time. There was a certain Brigadefuehrer Lock and after that it was an Oberfuehrer of the Research Department, Dr. Bliss. These were the gentlemen who held this position and represented me in my absence.

Q. And the Hygiene Institute was that under Defendant Grupowsky?

A. Yes.

Q. Can you tell me, witness, what person was in command of Block 46 where the typhus experimental station was located?

A. The chief of this Block 46 was Standartenführer Dr. Ding.

Q. And was he also the chief of Block 50 from the typhus vaccine was produced?

A. Yes, that was added during the course of the year 1943, which was testified to by the witness, Dr. Mrozek. In June of 1943 Block 50 began to be built and on the 16th of August it was ready to be used. Production itself started somewhat later since much of the apparatus was lacking. A number of the apparatus was only delivered in December or rather September, so before 1943 production was started. This was at the time when the Hygiene Institute was no longer under my jurisdiction.

Q. I have no further questions.

RE-DIRECT EXAMINATION

BY DR. EHLER:

Q. Dr. Ehler, counsel for the defendant Sanders. Witness, with reference to the interrogation of June during cross-examination, that is to say, up to the year of 1939, you know nothing in your capacity as the responsible chief physician of a concentration camp?

A. No, I never heard anything about it.

Q. During that period of time, that is, up until the beginning of the war you found no objection to the medical institutions of the concentration camps - the hygienic care of the inmates?

A. No, there was no objection to the rules.

Q. The prosecutor has asked you now and attempted that when cross-examining these witnesses you repeatedly referred to the words, "Sie haben ein Interesse" or "Sie haben Interesse." I want to clearly understand from you that you clearly identified institutions which were at the disposal of the inmates, that is to say, the medical stations, kitchens, laundry, etc. All these things which by rules belonged to the inmates?

A. Yes, it referred to the inmates.

Q. You said that with reference to the lawyers of the defendants Dr. Dr. Ehler and Dr. Jung, that a very close tie existed between them?

A. I was their military and technical superior, that is to say, I was their superior in military and in technical sphere.

Q. In the affidavit of the witness Hermann which I offered in evidence earlier this morning it is stated that in the Ministry under the title "Department for Tropical Virus Research" there was the letter "USSS", which is to say Reichsführer SS?

A. Yes.

Q. Could one conclude from that that there was a very close cooperation of this experimental station for the Hygiene Institute?

A. Yes, that seems to be the true. You can usually conclude the superior rank from a letterhead.

Q. The list of Dr. Haven, the representative of Dr. Ding, was never shown to you in connection of any conference that you had with Professor Gruhle and you never saw it?

A. That's correct. I didn't know that Haven was the deputy of Ding as the Chief of the Experimental Station. I didn't know that. I learned it later only.

Q. If only you didn't know that you never saw it in any form?

A. Well, if I had seen it I would have had to know about it.

Q. Now I have a few more questions on their point; you already stated that during your cross examination when any medical report for the benefit of the Kaiser Wilhelm Institute they were only memos which belonged to the Kaiser Wilhelm Institute itself.

A. Yes, that's correct.

Q. Now for a few more questions on the duty of Gravitz.

A. It was never stated to me there was never any written order to that effect.

Q. You were not the only physician of the SS as the prosecution tried to establish but you were one of a number of physicians in various different concentration camps of the SS?

A. Yes, that is of the same level.

Q. You were not participant in the conference with Himmler in August 1943.

A. No, I was not at all. I took this conference to other than Gravitz.

Q. Is it correct that the purpose of this conference in the first instance was clinical re-organization and re-construction for frontal lobes?

A. Yes, we were concerned with the clinical re-organization of the medical service of the SS.

Q. During that occasion were there any simultaneous discussions about experiments on human beings, concentration camps in general in your presence?

A. No, no word was spoken about that in my presence.

Q. I once more would like to state in order to clarify the point that according to your sworn statement Professor Hrubowsky in the Spring of 1943 did not report anything about the infection, the series of experiments, the controls, but rather that this report was only made within that from as you already described it in detail this morning when testifying.

A. Yes, that's correct.

Q. I have no further questions, Mr. President.

RE-DIRECT EXAMINATION

BY DR. FLEMMING:

Q. I would like to be permitted to put a few questions to the witness in the cross examination. Witness, —

THE PRESIDENT: Counsel, just one moment, please.

. Dr. Flemming, counsel for the defendant Hrubowsky. Witness, cross examination you answered a question by the prosecutor in the following manner: Hrubowsky was the consulting expert officer by Dr. Weike; he was there for the purpose which Dr. Weike also testified to.

A. Will you please repeat that? I didn't quite hear it.

. Hrubowsky was the consulting expert officer by Dr. Weike; he was there for the purpose for which Dr. Weike testified, t .

A. No, that's not a question. That is something I would like to clarify. I didn't say that. I said merely that Hrubowsky was there in connection with the experiments in that connection he asked Hrubowsky's advice, and he was the chief medical expert — excuse me. I beg your pardon, the medical expert officer. I didn't know of any such consultation.

. In that connection I ask you, Witness, do you know that Hrubowsky was the medical expert officer?

A. Yes, that's true. I know that in most cases with my few

[illegible] they were reserve officers who acted as advisers. In my [illegible] there were no advisers at all.

Q. Do you really didn't know that Hrubowsky was the consulting [illegible] official running of the work?

A. I merely meant to say from a case to case as the [illegible] by Genic Wiser he was in the [illegible] to an expert.

Q. Being from your statement as I read it, one could interpret [illegible] connection of Hrubowsky with Block 46 in Buchenwald where the experiments were carried out on inmates and it is for that reason that I should like to ask you another: you said before that Hrubowsky was only concerned with typhus vaccine production but has anything to do with the experiments of Ding's on inmates; is that correct?

A. I said that if production had at any time of re August 1943 he would have still been my subordinate. [illegible] production of vaccine was [illegible] to affiliated to the Hygienic Institute. As far as Block 46, the experimental station, is concerned the answer is well. [illegible] from [illegible] before here is he was only an expert and [illegible] of the Waffen SS [illegible] physician as an expert adviser. That is, to the Reichsarzts.

Q. You don't know from the Reichsarzts [illegible] that [illegible] responsibility?

A. I really don't know. I assume and I want to point out that is an assumption, that the Reichsarzts or rather the appointment of Ding and what in that case he took the counsel of Hrubowsky.

Q. Would you say that that he asked him whether he thought Ding was the right man for the position?

A. Yes, that's possible.

Q. Thank you. I have no further questions.

DR. GAWLIK: Dr. Gawlik, counsel for the defendant Hoven. Mr. President, I have a few more questions to put to the witness.

BY DR. GAWLIK:

Q. Witness, when testifying about the Kogon Department for typhus and virus research, you stated during the cross examination that Dr. Hoven had been the representative for Block Forty-six, that is, the clinical station?

A. I did not say that, personally. I merely cited it as an utterance made by Dr. Kogon.

Q. Well, here we are not concerned with reciting utterances of Dr. Kogon. He did not say it in this form, either. We are concerned with what you know yourself?

A. I said before I don't know anything about it.

Q. Now, witness, I am again presenting to you a document which has been mentioned once before, No-265. Mr. President, this is page 41 of the German Document Book, volume No. 12, and page 41 of the English Document Book, page 12. Would you please look at the statement made about the representation of Dr. Ding. One minute witness. Is it correct that according to this entry of Dr. Ding that Defendant Hoven was only a representative of the vaccine production?

A. Yes, that can be seen from this document, namely, that in his absence he had the supervision of the production of the vaccine.

Q. Can it be assumed that if the defendant Hoven had also been the deputy for the clinical station of Block Forty-six, that the diary would have stated that the Stabsarzt-SS was the supervisor of the clinical station and the production of the vaccine?

A. Well, how can I understand that question. I am--

Q. I am asking you whether it is to be assumed. Would not Ding have stated that in his diary?

A. This entry is from the 9 January 1942, and safar as I know from Dr. Hoven, the production of vaccine only started after his departure.

Q. Now, witness, I only want you to speak about the entry in the diary?

A. I assume that he was the supervisor for that, too.

Q. Can that be seen from the diary?

A. No, it can not be seen from the diary.

Q. You know nothing yourself, is that correct?

A. Yes, that is right.

Q. Now, if I presented this diary to you, I mean this entry in this diary, could you then maintain your statement which you made during the cross examination to the effect that the defendant Hoven was the representative of the clinical station, or, would you have to correct that statement?

A. I did not say that, but I cited it as an utterance of Hoven's. No, not Hoven, I mean Mokon, Dr. Mokon. I myself did not say that.

DR. FLEMING: That is all, thank you.

THE PRESIDENT: Any further examination of this witness?

MR. RANDY: I have no further questions, Your Honor.

DR. MERKEL: I have no further questions, Mr. President. Thank you.

(Witness excused)

THE PRESIDENT: Have you a few documents you could offer before the recess time?

DR. MERKEL: Mr. President, I only have approximately six documents from my document book, and I think it may be more expedient to present my documents tomorrow morning, and I don't think I should need longer than half an hour for that purpose.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 4 March 1947 at 0930 hours)

1947-4
4 ar-[illegible]-1-1-Foster-Int. [illegible]
Court No. 1.

Official transcript of [illegible]erican Military Tribunal in the matter of the United States of America, against [illegible], et al, defendants, sitting at Nuremberg, Germany, on 4 [illegible]arch 1947, 0930, Justice [illegible]eals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of [illegible]illitary Tribunal 1.

[illegible]illitary Tribunal 1 is now in session. God save the United States of America and this [illegible]orable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: [illegible]r. [illegible], will you ascertain that the [illegible]ndants are present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the defendant Oberheuser, who has been excused on account of illness. Her absence will not prejudice the interests in this case.

Counsel may proceed.

MR. [illegible] (Counsel [illegible] Defendant Genzken): Mr. President, at the conclusion of my submission of evidence I am going to submit the documents which have not been submitted so far. They are only affidavits through which I am going to prove that nothing was known in the medical service of the Waffen-SS about experiments in concentration [illegible]. Research did not [illegible] to the sphere of the Medical Service of the Waffen-SS. Furthermore, I should like to demonstrate by these affidavits the attitude of responsible bodies, [illegible] and Grafite [illegible] the part of [illegible]. The first affidavit is contained under 9, page 19 of the [illegible] which all bodies [illegible] Nr. 9. This is an affidavit of Dr. Joseph Friedrich Sadloch, and I quote:

"From June 1942 until the end of the war I worked in the

From June 1942 until the end of the war I worked in the medical office of the Waffen-SS under Dr. Karl [illegible], as first technical advisor to the officers personnel department, and since September 1943 as chief of the department for orientation. During this time I was in contact with Dr. [illegible] and can therefore make the following statements:

"1. In spring 1943 a commission of Italian physicians paid a visit to Germany to inspect the medical institutions of the Waffen-SS. Dr. [illegible] accompanied this commission on its trip through Germany and to the eastern front. At the end of this trip he went to Karlsbad for a few weeks' treatment. SS-Standartenführer [illegible] accompanied him on this journey. Owing to the strain of his treatment Dr. [illegible] was for a time not completely fit for work after his return to Berlin. I think it unlikely therefore that Dr. [illegible] took part in the conference (eastern conference) of the medical officers in the Berlin Military Academy for Aviation, on 24 - 26 Jan 1943, especially as Dr. [illegible] never mentioned something to people about our participation in this conference.

[illegible]. The medical scientific research-work and training of the SS came exclusively under the office of the Reichsführer, Dr. Grawitz, not under the [illegible] Medical Aid Office or even the medical office of the Waffen-SS under Dr. Gerhard. On every possible occasion Dr. Gerhard stressed the fact that his office dealt exclusively with matters concerning the troops, matters which never included scientific tasks and demands of the SS. I do not know, and consider it completely out of the question that the medical office of the Waffen-SS could have exercised any control or even supervisory rights or incorporated staff or [illegible] within Buchenwald concentration camp. When in 1942 [illegible] for the purpose of medical research in Block [illegible] of Buchenwald concentration camp, [illegible] the office of the Reichsführer-SS nor neither the director nor [illegible] of Dr. Gerhard. It is [illegible] that the Ahnenerbe and the medical office of the Waffen-SS were superior authorities for such a research institute of the Reichsführer-SS concentration camp, or that they were even informed.

[illegible] Dr. Ding superficially [illegible] of the Hygiene Institute. [illegible] of no problem by Dr. Ding [illegible] Rights [illegible] in Buchenwald. I [illegible] anything in our office, either officially or unofficially [illegible] complaints in our office [illegible] Buchenwald, and [illegible] of this case [illegible] under [illegible]. There was [illegible], either official [illegible], [illegible] deliberately [illegible] the [illegible]. [illegible] Dr. Gerhard [illegible] details, [illegible] of such [illegible] experiments [illegible] of the Buchenwald [illegible] Dr. [illegible]. I have never [illegible] medical [illegible] officially part of the [illegible]. I have [illegible] the subject of whether it [illegible] [illegible] Block [illegible] between Ding [illegible] the medical [illegible] Waffen-SS (Gesundheitsamt der Waffen-SS). All that we [illegible] that Dr. Ding's [illegible] in Buchenwald [illegible] manufacturing [illegible] rabbit lungs or [illegible] had been

possible. I think it quite possible that a station of this type for [illegible] [illegible] even under the organization of the Hygiene Institute.

Nothing was known within the [illegible] of the [illegible] (B - [illegible] der Waffen SS) [illegible], [illegible] experiments made at the Ravensbrueck concentration camp, [illegible] the fact that, in winter 1943 - 1944, Dr. [illegible] with Dr. Ding, [illegible] [illegible] with prisoners [illegible] experiments [illegible] burns caused by phosphoric incendiary bombs. I [illegible] that Dr. [illegible] knew nothing about these experiments.

"The personal relations between Dr. Mrugowsky and Dr. Genzken were cool and were not calculated to [illegible] any exchange of ideas after [illegible] had been promoted Chief [illegible] of the staff [illegible] and after the last change of official [illegible] had [illegible]. (5). [illegible] to Dr. Genzken's relationship with Himmler and Grawitz [illegible] the following example:

"[illegible] that Dr. Genzken wanted to have a [illegible] pamphlet printed [illegible](/)."

Obviously the witness doesn't [illegible] that [illegible]. [illegible] of the witness [illegible] it [illegible] the spring of [illegible].

"Himmler, in an abrupt [illegible] reply, refused [illegible] the purpose [illegible] printed, [illegible]. [illegible] Dr. [illegible] in raising his [illegible]. I also recalled that Dr. Genzken repeatedly [illegible] the following incident [illegible] of [illegible] of technical services with [illegible], the [illegible] Main Office, in 1942, [illegible] connection with [illegible] of the [illegible] prisoners [illegible]. [illegible] written report, which [illegible], [illegible] [illegible] Genzken [illegible] -[illegible], said that he [illegible] himself to be [illegible], [illegible] Heinrich Himmler. On this [illegible], he [illegible] his

[illegible] said it was rather.

"I have known Dr. Karl [illegible] since 1931, and [illegible] closely associated with him since 1933. [illegible] officially. His work [illegible] a [illegible] choice. [illegible] absolutely convinced that [illegible] in any [illegible] political [illegible] or religious [illegible] considerations [illegible] actions were not [illegible] objectively."

"In the years during which I was closely associated with Dr. Gerlach, Dr. Ferritz and Dr. Gerlach were [illegible] Dr. [illegible], who, with regards to [illegible] matters of the [illegible], [illegible] the right to make the decisions [illegible] of the office [illegible] by Dr. Gerlach, [illegible] my [illegible] cases.

[illegible] would never have [illegible] Dr. [illegible] Dr. Gerlach, to meddle with his affairs. Church [illegible] physicians [illegible] subject [illegible] with the [illegible] Dr. [illegible] with others, [illegible] the transfer of [illegible] to Auschwitz; [illegible] so, it is a highly [illegible] [illegible]."

"In the [illegible] Dr. [illegible] [illegible] with the [illegible] of the field [illegible] Auschwitz, including [illegible] Auschwitz, in the field [illegible]."

M. COOKE: The next document will be Gerstein S. 6, which is an affidavit by document book. This will be exhibit N. 10 and I quote:

"I was Chief of the Main Department for Personnel Matters in the Medical Office of the Waffen SS, from September 1943 to January 1945. Scientific research and planning did not come under the Medical Office of the Waffen SS, but was under Reichsarzt Dr. Grawitz. It is quite out of the question that the SS Operational Main Office, and within the Medical Office of the Waffen SS, was a superior office over an Institute for Scientific Research of the Reichsarzt, in the Buchenwald Concentration Camp.

"During my activity in the Medical Office of the Waffen SS, I knew nothing of such Reich Institute. The Reichsarzt received at regular intervals by the Medical Office of the Waffen SS, a report on his activity at Buchenwald. Details concerning these experiments never appeared in the official reports, or in those concerning the Office in particular was never informed that a report under if this were taken in, if that in consequence of internal reflection, this were left out of these experiments."

I next offer the Document Gerstein S. 8, which is an affidavit by document book, and this will be Gerstein Exhibit N. 11. This is an affidavit of Dr. Ort Gerstein, and I quote:

"I was technical [illegible] and later medical technical advisor for the medical personnel in the staff of the medical chief of the Waffen SS, Dr. Karl Gerstein, from 1942 until the end of the war. From [illegible] the situation, I can make the following statement:

"Scientific research and planning came under the Office of the Reichsarzt SS and Police Dr. Grawitz. If, therefore, an experimental station for typhus was established within Buchenwald Concentration Camp, it must have been set up by the Reichsarzt SS; the establishment of the medical office must also have been carried by the Reichsarzt by Dr. Gerstein. Relations between Dr. Grawitz and Dr. Gerstein were not their strongest.

as to the fact that Dr. [illegible] was [illegible] and jealously interested in preserving his experiments and [illegible] in every way.

"I knew nothing of the fact that during meetings of technical advisers, or on other occasions, typhus experiments in 'Buchenwald' were discussed officially or unofficially in our office in Berlin. Consequently, nothing was known with regard to the fact that inmates were deliberately exposed to infection and that such inmates died. More really, I have never seen [illegible] any scientific [illegible] or once read the research work done by Dr. Ding.

"I never heard anything officially nor unofficially during my service in the medical office, with regard to cold chamber experiments made in Dachau...."

I now offer Document No. 3 which is on page 5 of the [illegible] book and this will be [illegible] exhibit No. 12. This is an affidavit of Oskar Beck and reads as follows and I quote:

"As far as I can remember I worked as chief of the medical [illegible] in the medical office of the Waffen SS from [illegible] beginning of May 1940 until about [illegible] 1942 or, with certainty from the beginning of September 1941 until [illegible] February 1942, in [illegible] 15 July 1943 to 18 October 1943. During this [illegible] my field of work comprised the supervision of the troops' [illegible] service at the front and at home, field hospital officers, medical [illegible], the setting up of new medical units for the front troops, and [illegible] the troops' welfare offices. From 15 April 1942 until about 15 August 1942 I was entrusted [illegible] with inspection duties in the medical office of the Waffen SS (the chief of field hospitals and [illegible] of the troops' medical service). During these duties Dr. Karl Gebhardt was chief of the medical office of the Waffen SS, and [illegible] Brigadier.

"As to the time of my activity in the medical office of the Waffen SS I can add the following statements:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] persons were needed [illegible] for the execution of [illegible] given by the Reichsfuehrer SS or the Reichsarzt [illegible]

[illegible] activity in the medical office of [illegible] SS I will not [illegible] an SS physician [illegible] Ellenbeck [illegible] with [illegible] of [illegible].

There was [illegible] in the medical office of [illegible] activity there.

[illegible] Genzken [illegible] Grawitz [illegible] position, but [illegible] sharp [illegible] with [illegible] in his place, Gebhardt. [illegible]

There was [illegible] the [illegible] of the medical office [illegible] the Reichsarzt [illegible] of his entire [illegible]. There were [illegible] frequent differences [illegible] SS [illegible] therefore with the [illegible] competency of the [illegible] of the medical [illegible]. [illegible] Dr. Genzken [illegible] remarks to me against Dr. Grawitz and his medical administration. I remember [illegible] Gebhardt [illegible].

[illegible] Grawitz [illegible] the medical [illegible] Reichsfuehrer SS [illegible]. In this [illegible] have ordered [illegible] Dr. Genzken.

[illegible] [illegible]tely after the end of the campaign in the West I met Dr. [illegible]. During the campaign in the West he was adjutant to a Division physician. In the course of [illegible] there was [illegible] letters which [illegible] wrote to his wife, [illegible] about his special [illegible] during the campaign in the West, deeds which he actually had not performed. I personally considered [illegible] recognition. [illegible] useful for his purposes [illegible] with the end of the [illegible] inclined to [illegible]. [illegible] activity in the medical [illegible] Chief

for Special Hygienic Tasks." As far as I know, such a section for special tasks did not exist at all."

And I further ask that I be allowed to offer Genzken No. 5, on page 10 of my document book, which is going to be Genzken Exhibit No. 15. This is an affidavit of Dr. Liebau, and reads as follows and I quote:

"From the end of May 1940 until August/September 1942 I was working as personnel adviser in the Medical Office of the Waffen SS. At that time Dr. Karl Genzken was the head of the Medical Office of the Waffen SS.

I belonged to that circle of persons who had the closest official connection with Dr. Genzken. I was continually in contact with him. I also frequently met Dr. Genzken unofficially. Our offices were in the same building. On account of my appointment as personnel expert in the Medical Office of the Waffen SS, and because of my close official and private contact with Dr. Genzken, I can make the following statement concerning the period from the end of May 1940 until August/September 1942:

"Problems of scientific research and planning in the medical sphere within the jurisdiction of the Waffen SS were dealt with exclusively by the Reichsarzt-SS Dr. Grawitz, and not by the SS Operational Main Office or the Medical Office of the Waffen SS, which was under the supervision of Dr. Genzken. In the same way every scientific publication in this field on the part of the physicians of the Waffen SS had to be approved by the Reichsarzt-SS Dr. Grawitz. Had scientific research work and planning within the sphere of activity the Medical Office of the Waffen SS would have had a corresponding department, and this would have been planned and set up. But there was no section or department for scientific research and planning within the Medical Office of the Waffen SS. In addition to the adjutant's office and the special fields "Personnel and Administration" the following special fields were handled by the Medical Office of the Waffen SS Medical Service, Dental Service, Pharmaceutical Service and Hygienic Service. Their tasks consisted exclusively of medical services of the members of the Waffen SS at the front and at home. There was a department for a medical service in the concentration camps

within the Medical Office of the Waffen SS during my appointment. Thus, as far as I remember, I have neither seen any correspondence on research and experiments on concentration camp prisoners during my appointment with the Medical Office of the Waffen SS, nor have I heard of any. Dr. Genzken, who I also often met outside the office - as I have already mentioned - has never talked to me of experiments and medical tests on human beings, as far as I remember. I never heard anything about experiments with sulfonamides or of any other experiments on concentration camp prisoners, during my activity with the Medical Office of the Waffen SS. Dr. Genzken was highly esteemed by the physicians of the Waffen SS and was generally considered to be 'the father of the SS physicians'.

"Because of my position as personnel expert in the Medical Office of the Waffen SS I know that Dr. Genzken had controversies with the Reichsarzt-SS Dr. Grawitz and that strained relations existed at times between Dr. Genzken and Dr. Grawitz, due chiefly as far as I can remember to a difference of opinion concerning the method of dealing with ordinances and decisions made by the Reichsführer SS Himmler or his staff. As far as I remember it concerned, among other things, personnel and disciplinary matters. Furthermore, I remember that in about 1942 Dr. Genzken had Karl Brandt, the chief of the Oberstaatsarzt Main Office, for the purpose of settling a discord between Dr. Genzken and Dr. Grawitz. As far as I remember the limits of their fields of action were clearly divided once again, presumably as a result of this conversation. Finally, I remember an incident concerning a unit of the Waffen SS stationed in Prague, which was said to be infected with venereal disease. The incident worried us considerably, as physicians of the Waffen SS. I think that I remember that during a meeting of the department experts in the SS Operational Main Office a letter of Himmler was read, in which the reputation of the physicians of the Waffen SS was severely attacked, on account of this pilloried state of affairs. Furthermore, I remember that Dr. Genzken is said to have declared on that occasion that he would not permit his reputation to be injured even by Heinrich Himmler. I myself was not present

at this meeting of the consultant advisers. Later on, i.e. in 1943, I paid several private visits to Dr. Gensken and I know that he kept himself more and more in the background both officially and privately with regard to his relations to Dr. Goering."

I further offer document Gerstein No. 16 which is on page 35 of the Document Book. This will become Exhibit Gerstein No. 14. This is an affidavit made by the repeatedly mentioned Carl Ehrenfried. [illegible]:

"I was chief [illegible] IV (Chemical-Pharmaceutical Service) in the Medical Office of the Waffen SS until 31 August 1943, and from then until the end of the war Medical Supplies Officer (Zahnarzt) [illegible] SS at the Office of the Reich Physician SS [illegible] Dr. Grawitz.

"On the basis of my years of activity [illegible] the defendant Dr. Carl Gebhardt, I can testify as follows:

"There was no department for scientific research or planning in the Office of the Waffen SS. There was only one section in the Office of the Reich Physician SS [illegible]. The Medical Office of the Waffen SS in the SS Führungshauptamt could therefore not have been the superior office [illegible] research institute of the Reich Physician SS in a concentration camp, [illegible] Medical Service in the concentration camps was [illegible] to the Reich Physician SS and Police, through the directing physicians of the Inspectorate of Concentration Camps.

"As far as I am [illegible], the typhus business was handled as follows:

"As there was a shortage of typhus vaccine, it was decided in early 1943 to produce this important serum at the Hygiene Institute [illegible] with-life-saving laboratory in Buchenwald.

"Dr. [illegible] was made the head of this laboratory by Professor [illegible]. The original reason for this laboratory [illegible] installed until the [illegible] of 1943 was that Dr. Ding contracted [illegible] and, after [illegible], was ordered to Paris until the end of November 1944. In this [illegible] Himmler to order the establishment of a [illegible] station for typhus research in the Concentration Camp Buchenwald and to [illegible] the head of this station. The [illegible] of activities in this [illegible], which [illegible] properly authorized [illegible] to the [illegible].

"The typhus vaccine produced at the Buchenwald laboratory was put to control medical [illegible] and its distribution, in agreement with the Hygiene Institute.

"I never heard anything about the experiments at the Buchenwald experimental station. As far as I could observe, these matters were not discussed in the Medical Office or the office of the Reich Physician; in particular, experiments with intentional infecting of human beings were never discussed.

"Nor did I ever hear anything at the Medical Office or at the office of the Reich Physician about the experiments research in Ravensbruck.

"I never saw scientific reports or any correspondence concerning these research experiments.

"I have known the defendant Genzken since 1930. It was a pleasure to cooperate with him in his widely organizational activities in the military medical service of the Waffen SS. I can state from this my work and cooperation that he was never interested in scientific research and certainly [illegible] experiments with concentration camp prisoners; lack of time alone in view of our extensive organizational activity, made it impossible to engage in scientific research problems.

"Furthermore, I know of the tension which existed between Grawitz and the defendant Genzken, which caused him to keep out of the scope of Grawitz activities. He never, either officially or personally, discussed experiments on concentration camp prisoners.

"Genzken had no [illegible] position within the medical service of the SS. On the contrary, he often considered leaving his job in favor of a younger SS physician with experience at the front."

The next document will be Genzken No. [illegible] which can be found on page 36 of the document book.

Mr. President, I think the English translation does not have the number 17 and I ask you to excuse this [illegible]. It is on page 38 [illegible] Book. Genzken No. 17 because exhibit Genzken No. 15. This is an affidavit by Adolf Tondorff. I quote:

"From March 1942 until the end of the war I was in charge of the administration in the Medical Office of the Waffen SS. At that time Dr. Genzken was Chief of the Medical Office of the Waffen SS and therefore my immediate superior. As long as I was in the Medical

Chiefs of the Waffen SS I never heard anything about medical experiments on concentration camp inmates, nor did I see any documents on this subject. Scientific research and planning, as far as I know, were never the job of the Medical Office of the Waffen SS, but the exclusive job of the Reich Physician SS, [illegible] Grawitz. I never heard anything about a typhus experimental station or a rescue production plant in Block 46 and 50 respectively at the Buchenwald concentration camp.

"I was in charge of the military hospital wards, of Office IV of the SS Führungshauptamt, while Stabsführer Mueller was in charge of the Allgemeine Military hospitals. Dr. Gerhen was the superior of the military hospitals wards and the military hospitals.

"In all the wards [illegible] I was in charge there were chiefs of the pay roll office - these were trained officers and non-commissioned officers in the medical administrative service who were in charge of the economic interests of the various offices, and who had to balance their accounts with me. If the 'Typhus Research Station' in the Buchenwald concentration camp had been under the Hygiene Institute of the Waffen SS in Berlin and thus under the Medical Office of the Waffen SS it would have had to have such a pay-roll office, but [illegible] never the case.

"I never paid out nor instructed anybody to pay out any budget funds or have orders for scientific support into the institutes which served this purpose, because those scientific research matters did not concern the Medical Office of the Waffen SS, but were directed to exclusively by the office of the Reich Physician SS and Police, Dr. Grawitz.

"It was generally known in the Medical Office of the Waffen SS that there were differences between Dr. Gerhen and Dr. Grawitz. I don't know any details of this however.

"During my work in the Medical Office of the Waffen SS, [illegible] and I cooperated comfortably, and there never arose any differences of any kind between us. Dr. Gerhen was considered to be a just chief in the Medical Office and [illegible] generally liked."

The next document I ask you to accept - I set out Gonzkon No. 15 page 31 of the document book, which will become Exhibit Gonzkon No. 15. This is a [illegible] it made by the superior of the Defendant Dr. Poettner the chief of the SS Sportsmen Main Office.

THE PRESIDENT: Just a [illegible], a moment, what is the page in the English document book?

DR. [illegible]: Page 31, your Honors.

THE PRESIDENT: What is the number of that?

DR. [illegible]: It bears the number 15, Gonzkon No. 15.

THE PRESIDENT: [illegible] it number that?

DR. [illegible]: Exhibit No. 15, Document 15, Exhibit No. 15.

THE PRESIDENT: You had Exhibit No. 16 for Gonzkon Document No. 14. Let us see the [illegible] Gonzkon No. 14?

DR. [illegible]: Gonzkon No. 14 was already admitted. It had Exhibit No. 4. I [illegible] Mr. Webb [illegible] Exhibit. That was Gonzkon No. 4.

Court I

JUDGE SCHERMAN: Could not Document No. 15 be [illegible] . 19 as we. If not, what is [illegible] No. 19?

DR. [illegible]: No. Document Germany No. 19 will become [illegible] No. 16.

JUDGE SCHERMAN: What will be [illegible] . 19?

DR. [illegible]: That was Document Germany . 17 which I just read. It are [illegible] with a affidavit by Prof. [illegible] who was the direct chief [illegible] superior of Dr. Gebhardt and Dr. Ganzer in the [illegible] Operational Main Office and I [illegible]

[illegible] August 1940 (foundation of the SS-Ahnenerbe department) the Operational Main Office until 31 January 1943 I was chief of staff of the SS-Ahnenerbe-Hauptamt. Until then Wüst [illegible] was chief of the SS-Ahnenerbe department. From 31 January 1943 on I was [illegible] of the SS-Ahnenerbehauptamt.

"From July 1940 on I was [illegible] military superior of Dr. Gebhardt, the Chief of the Medical Office of the Waffen SS.

"Dr. Gebhardt's position as Chief of the Medical Office [illegible] Waffen SS was to establish [illegible] medical units of the Waffen SS. He was solely responsible for their training, the establishment of new units and their equipment. He was in charge of medical personnel [illegible] field troops. For this purpose he had under him [illegible] medical reserve unit, several medical schools, military hospitals [illegible], to a limited extent, the SS medical academy. In these units recruits were trained as medical personnel and [illegible] medical enlisted personnel was trained for [illegible].

[illegible] which he also had to collaborate as to order in the different war disposition of the medical units. Furthermore he was responsible for troop [illegible].

"Dr. Gebhardt never had anything to do with medical research or scientific experiments, as such things did not belong to his sphere of duties. By reason of a military rivalry between [illegible] Himmler, the Medical Office of the Waffen SS was [illegible] from scientific research and planning. The last [illegible] functions, by reason of their [illegible], [illegible] responsibility of which Physician SS Dr. Ramitz, [illegible] was a professor and scientist.

Court I

"Dr. Gonzken was introduced to me by Dr. Grawitz as successor to Dr. Dorndorf in the course of 1944. Dr. Dorndorf had to resign owing to personal differences with Dr. Grawitz. In Dr. Gonzken I discovered an experienced, seasoned troop medical officer, who appealed to me on account of his soldierly and frank nature. Good cooperation was established. On the other hand, I was quite certain from the very beginning that differences would eventually arise with the Reich Physician SS, Dr. Grawitz, when Grawitz noticed this situation and I had confidence in each other. Grawitz was a morbidly ambitious vain man who perpetually imagined that his position as Reich Physician SS was imperiled if another higher medical officer had an established position of his own. Consequently Grawitz invariably attempted to undermine the positions of these officers by frivolous utterances to Himmler. It is known that Himmler unfortunately was deceived by such things. I can remember that in 1944 Himmler had ordered Dr. Gonzken as the successor of Grawitz, whose position had become insecure. I informed Dr. Gonzken of this intention of Himmler. Dr. Gonzken rejected energetically, because he preferred to remain in the troop medical service, as he did not consider himself suitable for scientific research. Grawitz currently sought for other successors of his. The result was that the relations between him and Dr. Gonzken became rather strained.

[illegible] then once came back to me, when I had to ask Grawitz and Genzken to come to see me in order to [illegible] up their differences, because Grawitz had interfered [illegible] Dr. Genzken's military authority. I remember quite distinctly [illegible] and I had rather [illegible] the [illegible] on the occasion. Once again the respective competencies of the Reich Physician SS and the Medical Office of the Waffen-SS were clearly defined. It was laid down that the Reich Physician SS had only [illegible] and professional jurisdiction over the [illegible], whereas the Medical Office of the Waffen SS alone could give orders. On the other hand, [illegible] came exclusively under the [illegible] SS here, the Chief of the Medical Office of the Waffen SS, Dr. Genzken, had no authority to issue orders.

While Dr. Genzken took up his [illegible] in the SS Fuehrungshauptamt [illegible] the confidence of Himmler, [illegible], as mentioned above, Himmler intended to make Genzken the Reich Physician SS. [illegible] ambitions of Grawitz [illegible] the ear of Himmler, the situation [illegible] considerably [illegible] that in 1944 Dr. Genzken [illegible] to be [illegible]. He thought that he [illegible] only the [illegible] of the Reichsfuehrer. The [illegible] were reproaches which Himmler was making against medical officers [illegible] of their supervision [illegible] professional [illegible]. He also so far forgot himself in this matter [illegible], to describe the medical officers as [illegible] and lacking [illegible]. Dr. Genzken saw himself compelled [illegible] at a Conference of [illegible] of the SS Fuehrungshauptamt, in the presence of [illegible] 'I [illegible] Himmler [illegible] to take away my [illegible].'

[illegible] nothing [illegible] with [illegible], and Dr. [illegible] 'appeared' [illegible] with me.

[illegible] Dr. [illegible], [illegible] up to [illegible] in the [illegible]. If [illegible], it [illegible]

[illegible] Wallace to Growite and from the letter to the [illegible] and administrative Main Office - in view of the "revolling [illegible] - the incorporation in the [illegible]. This Main Office alone was [illegible] to set up a budget conjointly with the [illegible] Finance Ministry."

And this brings me to the end of my submission, [illegible].

[illegible] Doctor, will you [illegible] or document book and order [illegible] exhibit number you have [illegible] Exhibit [illegible]. [illegible]

[illegible] You are quite right, [illegible], [illegible] not submitting that document.

[illegible] It will be [illegible] exhibit as well?

[illegible] It is not [illegible] problem, as all [illegible] to whom that it is an article [illegible] incorporated and it looks like some [illegible] which I gave [illegible] and I think I can well [illegible] this document.

[illegible] This exhibit is - I mean document [illegible], if [illegible] exhibit [illegible]. [illegible]?

Dr. [illegible] Yes, [illegible] document, [illegible]. I [illegible] to [illegible], [illegible] or [illegible], [illegible] the same subject [illegible] at a later stage. [illegible] exhibits that I [illegible] which [illegible] exhibits. [illegible] consequently.

[illegible] These documents [illegible] be [illegible] and they will [illegible] typical.

[illegible] [illegible] the [illegible] the Defendant Dr. [illegible].

[illegible] [illegible] adopted by the [illegible]

[illegible] The prosecution [illegible] this document [illegible].

[illegible] [illegible] of the Defendant Schwerk.

[illegible]

[illegible]

[illegible]

[illegible]: And I understand [illegible] offering evidence [illegible] of the defendants Gebhardt and Fischer that you are requesting the right [illegible] that that evidence, by reference, from the case [illegible] the Nuremberg Prosecution is still [illegible] and we are able to have the record in Court and present the evidence. Is that correct?

Dr. SEIDL: Mr. President, the document book which I have submitted contains documents which refer [illegible] all three of the defendants. [illegible] the [illegible] of the defendants [illegible], I shall refer to these documents without it being necessary [illegible] and again [illegible] the Tribunal. All the documents [illegible] Nuremberg [illegible] which refer to the [illegible] of prosecution [illegible] evidence to be [illegible], [illegible] it will be necessary [illegible] in order to avoid evidence [illegible] the defendant Gebhardt.

[illegible]: The Tribunal [illegible], Dr. Seidl, that in your [illegible] the [illegible] of prosecution will [illegible] before the Tribunal by [illegible]. Is that correct?

Dr. SEIDL: Yes, that is correct.

[illegible]: Tribunal [illegible] defendant Gebhardt you [illegible] that particularly, in your opinion, the rights of [illegible] defendant will not be prejudiced if Dr. Seidl [illegible], is that correct?

Dr. SEIDL: Yes, I have [illegible] that the rights of the defendant Gebhardt are not in any way prejudiced [illegible] have [illegible] in my opinion [illegible] the Tribunal [illegible].

[illegible]: The Tribunal [illegible] application [illegible] it will [illegible] the matter of [illegible] the Tribunal.

Well, you may proceed.

Dr. SEIDL: [illegible] the Tribunal, I have [illegible] of the [illegible] with the [illegible] refer to [illegible] activity [illegible] Dr. [illegible].

[illegible] PRESIDENT: Will the Deputy Judge Advocate [illegible]

Defence - the prosecution document books referred to by Mr. Counsel?

DR. SEIDL: The first document I am submitting is an affidavit of the Swiss professor, Dr. Isolin, dated 6 January 1947. This document is on page 52 of my document book and it bears #7 in the index. Professor Dr. Isolin from Basle is one of the best known European surgeons and can be designated as the most renowned specialist for orthopedy. I am submitting this affidavit as Exhibit Gebhardt No. 1, and I quote:

MR. HARDY: If it please the Tribunal, am I correct in understanding Dr. Seidl that this is an example of what he is referring to when he states that this does not have a jurat and that he is securing some or all have that read into the record at a later date?

DR. SEIDL: This is one of the pieces of evidence which is already certified.

MR. HARDY: Since the jurat is on this, I withdraw the objection.

DR. SEIDL: I quote:

"Basle, 6 January 1947.

"Having been informed of the consequences of a false affidavit I testify the following for the purpose of submitting it as evidence to the Military Tribunal No. 1 in Nuremberg:

"1. Personal Data:

"I have no knowledge of the reasons for and the contents of the indictment against Professor Karl Gebhardt, M.D.

"I do not know Professor Gebhardt personally; we have only corresponded with each other because of scientific activities. Personally I have never heard anything unfavorable about him, and on account of his scientific work and activities I imagined him to be extremely initiative, series of strong character, and also decent; that for the way in which he respected and took advantage of the work of other authors suggests an honest disposition.

"I would not have believed anything wrong of Professor Gebhardt. Although, of course, restorative-orthopedy and subsequent treatment need strong will-power on the part of the physician, to overcome weak-willed and probably work-shy patients. In this therapy a certain animosity often remains with the patient forcefully handled and frequently, even if one tries to avoid causing pain, these therapeutic measures are misunderstood as violence.

"2. Relevant Facts:

"My attention was first drawn to Professor Gohhardt through his collaboration in the text-book 'Complete Restorative Surgery' by Professor Erich Lexer.

"Gohhardt composed a chapter on 'The Subsequent Treatment of Motoric Disturbances after Injuries and Operations.' I mention further the following works:

"Ski Injuries. (Munich, Medical Weekly 1929)

"Injuries to, and After Effects on, the Motoric System through Skiing. (Munich, Medical Weekly 1929)

"Clinical and Xray Observations and Joint Damages. (German Surgical Journal 1923)

"Pararticular Bleeding By Hemorrhage into Joint Capsules. (Munich Medical Weekly 1931)

"Surgical Gymnastics. (Barth Publishing Company, Leipsig 1931)

"Ligament Injury of the Knee Joint. (Barth Publishing Company 1933)

"Physiotherapy. (Fischer Publishing Company, Jena 1934)

"Natural Adjustment and Restorative Surgery. (German Association for Surgery 1936)

"Corporal Reconstruction Surgery. (German Association for Surgery 1936)

"Treatment of Tear of the Achilles tendon. (Clinical Surgery Archives 189.)

"Restorative Surgery for the Achilles tendon. Clinical Surgery Archives 1937)

"Regeneration, Its Application to Surgery. (Central Surgical Journal 1939)

"Treatment of Bone and Joint Tuberculosis based on the Hohenlychen experiments 1933-1938. (Barth Publishing Company, 1939)

"Later works are not known to me.

"I reported on the 'Rotational Exercises' for the Swiss Medical Weekly, and sent him a copy. He thanked me and so we came to the mutual exchange of our scientific works, because we had the same aim.

"Upon his works it can be seen that the aim of his endeavors was to help the physically defective, to rehabilitate them into the economic process and to make them again normal, useful members of the community. We discovered each other in the course of these endeavors. Later on he ordered 50 copies of my work on prostheses 'The Amputation of the Upper Extremities' from the Benno Schwabe Publishing Company of Basle, because a new work of this kind on arm prosthesis was not available in Germany. He wanted them to give to the guest at Hohenlychen. This pamphlet describes the same aim, the rehabilitation of the injured and mutilated for work."

"Signed: Professor ISELIN"

The certification has the following wording: "I certify that this is a true and correct copy of the original document. Basle. 13 January 1947. Office of Basle, town and signature."

As second affidavit, I am submitting a statement made by Professor Dr. Heinrich De La Camp, who comes from Bochum, which can be found on page 35 of my document book. This affidavit will become Gerhardt Exhibit No. 2. Professor of these proceedings, is the leading physician of the Surgical Department of the Hospital Bergmannsheil at Bochum. He is one of the leading German surgeons who, during the war, was a consulting surgeon with the Luftwaffe. I quote:

"Bochum, 10 January 1947.

"Affidavit

"I declare under oath as follows, and I agree to having this declaration submitted to the American Military Tribunal at Nuremberg. I know that a false affidavit given to a court will rather be liable to punishment.

"Re: Person: Professor Heinrich Beckle De La Camp, M.D. born 3 June 1[illegible] at Beuthen (Baden), married, Chief Physician of the Surgical Department of the hospital Bergmannsheil at Bochum.

"Re: Subject: The questions put to me by Defense Counsel Dr. Seidl. I answer as follows:

"1. I have known Professor Karl Gebhardt, M.D., since 1928. At the time, Gebhardt was an assistant physician with Geheimrat Sauerbruch at the Surgical Clinic of the University of Munich. On 1 October 1928, the management of this hospital was taken over by Geheimrat Lexer, under whom I was chief physician. At that time Gebhardt was chief physician in the physical Education Department of the Surgical Clinic of the University, and an instructor in physiotherapy. Geheimrat Lexor gave the special importance to the follow-up treatment of injuries of the limbs, and of operations of restorative surgery taught, practiced, and expanded by Gebhardt. This is evidence from the fact alone that Geheimrat Lexor had Gebhardt draw up a special concluding chapter on 'Follow-up Treatment' to his great important work 'The Entire Restorative Surgery', written by Lexor alone.

"Gebhardt proved to be so good an assistant physician of the surgical clinic and chief physician of the Department for Follow-up Treatment, that Geheimrat Lexer, who was otherwise very particular, offered him to habilitate. This habilitation took place at the medical faculty in Munich in 1932. Gebhardt was very well liked as instructor physician, and as assistant at the clinic.

"Gebhardt established a training camp for apprentices at Hohenaschau. There he assembled, during the vacations, many work, [illegible], and convalescent apprentices from various enterprises. They remained there for many weeks, in order to strengthen their under medical supervision, and with the aid of physical education instructors and to restore their fitness for professional and physical work. This was a highly meritorious action of great social significance. This was emphasized by everybody, again and again, when the training camp for apprentices was reported. Whoever inspected this training camp had full of praise for this unique organization, which obliterated social inequalities and the very life and soul of which was Gebhardt. Later, Gebhardt made use of the knowledge and experience he had gained at this training camp, at the hospital institution Hohenlychen.

"... I am able to confirm that at the conference of consulting physicians at Hohenlychen, in 1944, experiments on human beings were not mentioned, at any rate not in the surgery lectures. I further confirm that medical officers of the SS did not play a prominent part during this conference in any respect. I did not notice that Grawitz, who generally was not mentioned very favorably, was emphasized in any way. Himmler was not present for I would have noticed that, since I have never seen Himmler at all.

"The sanatoriums at Hohenlychen had a good reputation all over. Hohenlychen was especially important in sport circles. The sanatoriums, at Hohenlychen had a good reputation all over. Hohenlychen was especially important in sport circles. The sanatoriums, however, also played a leading role in the treatment of bone tuberculosis and in operations of restorative surgery. Special attention was paid to the treatment of the after effects of infantile paralysis. In this field, Gebhardt carried out very beneficial operations. I know this from inspections of the sanatoriums at Hohenlychen, as well as from Gebhardt's lectures and lectures by his pupils and from scientific publications.

"3. I remember very clearly, and confirm, that Gebhardt painted a rather gloomy picture of the political and military development of the war in a discussion with Professor Wachsmuth and me. These remarks were made subsequent to a discussion which Professor Wachsmuth and I had as train lecturers of the conference, about the 11 lectures of our lectures. On this occasion Gebhardt stated that the enemy would invade Germany from the East and from the West, and that one had to reckon with a complete destruction of German cities, and with a total annihilation of the German Wehrmacht, if it were not possible to become master of the situation at the last moment. At the time, I was quite upset to hear that such a catastrophe was expected in the highest circles of the SS.

Gebhardt also told us on this occasion that we should impress upon the competent authorities that they do not assign surgeons either from the Army or from the Luftwaffe to the SS, since membership in the SS would mean great personal danger for these surgeons, due to the threatening intervention.

"signed - Buerklo De la Camp, M.D."

The certification reads as follows: "The signature of Professor Dr. Buerklo De la Camp, presiding in Bochum, is certified herewith. Bochum, 3 February 1947, Notary RAUCH."

As the third document I am submitting an affidavit by Generalarzt Dr. Adolf von Gauss, retired from Reservedienst, page 59, of the document book. This will become Hebbarit Exhibit No. 3. Generalarzt von Gauss is 72 years of age. He was medical officer in the old Bavarian Army, and has known [illegible] for since the year 1920. He knew him at the time when Hebbarit was only 23 years of age. I quote:

A f f i d a v i t

I, Generalarzt (retired) Dr. Rudolf von GAUSS, residing in Munich, Kaiserplatz [illegible], [illegible] warned that I make myself liable for punishment, if I give a false affidavit, I declare under oath that my statement is true and has been made in order to be submitted as evidence to Military Tribunal No. I in the Palace of Justice in Nuremberg, Germany:

It shall be demonstrated in the following:

1. When and under what circumstances I made the acquaintance of Professor Dr. Karl Gebhardt,
2. How or under which scientific and social points of view our collaboration took place,
3. [illegible] the results of the collaboration
4. What I consider I [illegible] of the character of Professor Dr. Gebhardt in the course of this collaboration which lasted for years.

Personal data: I am almost 72 years of age. I am an active army physician and retired in 1926. Since 1926 I have been working as a specialist for diseases of the [illegible] which, and I am still practicing today with the consent of the Military Government.

Since the Revolution I was for [illegible] years chairman of the Munich Catholic Parents Association; chairman of the League for Youth (Civilians); responsible head of the Youth League of Catholic Families in Bavaria for many years; until 1937 first chairman of the Catholic Physicians' Association. I was persecuted from the first

office in 1933, because I was not a member of the Party. I was [illegible] from the latter office in 1936, because I was still active in the Catholic Parents Association. In my capacity as 2nd chairman of the Catholic [illegible] I had to undergo a house search by the Gestapo.

Alleged Crime:

I was the representative of O.[illegible], then assistant [illegible] the Medical Clinic (Director / Assistant Dr. [illegible]) in 1920, that is 16 years ago, at a meeting of the Young Bavaria association. Young Bavaria originated from the former Bavarian [illegible] association. This was founded in 1919, [illegible] of the Boy Scouts association created by the [illegible] -[illegible]. Aim of the association: the promotion of [illegible] physical, mental and moral fitness. Ideals aim: [illegible] and current control of the boys; training of [illegible]; [illegible] approach to young adult in need of care or liable to relapse. That is, the care of youth from the religious, scientific and social aspect.

[illegible], however, assumed a more serious social importance on account of the consequences of Germany's defeat in World War I. For years since followed the creation of a youth [illegible] possible later output. [illegible] the Bund [illegible] Young Bavaria in the year 1920, to also [illegible], to educate its members for this purpose in the shortest possible time.

[illegible] I myself am listed on [illegible].

[illegible] over a period of [illegible]:

1. [illegible] of new methods in [illegible] treatment, [illegible] in consideration of the care or [illegible] children [illegible]. [illegible] carefully [illegible] of the fractures [illegible] into films [illegible] by accidents

[illegible] sport or at work. The results are set down by [illegible], [illegible] others, in the series "Articular Fluid [illegible] Hemorrhage into Joints [illegible]; Its Treatment with Liquid Fibrin", and "Injuries to, and Other Effects on, the Tympanic Membrane from Noise".

2. Parallel with these aims, [illegible] developed new methods for the post-treatment of accidents and sport injuries in [illegible] capacity as chief physician of the sport section and the post-treatment ward, as well as on the basis of the [illegible] in the Reichswehr training camps. The results are [illegible] in "[illegible] Sportarzt" by [illegible] [illegible]. They appeared as an introduction to "Surgical [illegible] practice" in 1931.

3. The training camp. While the [illegible] tried to reduce by modern methods the [illegible] of injuries which had already occurred, [illegible], in founding the training camp, attempted to prevent [illegible] the single soldiers, if only in a small way, the [illegible] injuries to which they [illegible] by [illegible] to treat persons [illegible] in this way [illegible] for several weeks in this [illegible] camp: to [illegible] ready for work and [illegible] to prevent [illegible] to the army, to preserve the results achieved there by [illegible] medical control or to prevent relapses by [illegible]. That has [illegible] years, [illegible] medical [illegible] in the [illegible] would [illegible] [illegible] to [illegible] skill [illegible]. [illegible] injured working people [illegible] or [illegible], [illegible].
Number: 130 to 140. Compare: [illegible] (Pr. [illegible]), [illegible], [illegible], [illegible] measures [illegible] measures [illegible].

[illegible], [illegible] 3. further [illegible] of [illegible], c. [illegible] completion of [illegible] functionally by [illegible]

and purpose of [illegible] efficiency, 3. General increase of self-confidence, 4. Intensified conception of comradeship [illegible] increase of cheerfulness.

As supervisor (Obmann) of 7 training camps I was charged with the liaison between the highest authorities, especially between the Ministry for Church and Education [illegible], [illegible] railroad [illegible] who were especially interested, the school authorities, the [illegible] and the families of the persons who were to be accepted on the [illegible], [illegible] the medical clinics and [illegible] entire working staff on the [illegible]. Furthermore, the normal [illegible] of the financial [illegible] by the [illegible]. Participation [illegible] the camp was free for all persons receiving assistance. The journey to and from the camp, [illegible], was free, and to some extent, clothing were [illegible]. The entire camp staff worked on an honorary basis. [illegible] of material or financial profit was completely impossible.

[illegible] who had [illegible] a training camp remained under [illegible] control for the duration of the subsequent working year. [illegible], the training camp [illegible] kept [illegible] for 7 years (from [illegible] to [illegible]). I was the supervisor (Obmann) [illegible] camps [illegible] to participate in the [illegible] development [illegible] which [illegible], I was also able to observe [illegible] in [illegible] various directions.

[illegible] organization, [illegible] to [illegible] began [illegible] training camps. [illegible] and to [illegible] into [illegible] circles.

In [illegible] the Schmidt [illegible] [illegible] which [illegible] modern [illegible]

methods of treatment confined prophylactically to protect [illegible] youth under industrial and medical control from serious health [illegible] to increase by current welfare their working capacity [illegible] their resistance to illness; and [illegible] labor-corps, through compulsory medical control and, or [illegible] of prohibition or temporary [illegible], to protect them from relapses and [illegible] injuries.

Therefore, one may well assert: that the corporative, tenacious determination of a [illegible] leader, ready to make political sacrifices, [illegible] and interested participation of his two masters, Reichsführer SS and Reichsführer Labor transformed into a clear, practical reality of social medicine, an ideal which had heretofore only been the subject of highly problematic theoretical [illegible] of a reality of far reaching

importance.

Increasing participation and visits to the camp by ministries, universities, senior school authorities, representatives of important health insurance companies, and of workers' organizations were eloquent testimony of the fact that the synthesis of the training camp was opening a new door in the social-medical sphere and also in the welfare of the entire nation.

The occupants of the training camp had so far been drawn exclusively from working youth circles. It was obvious, after the experiences gained, that they should also be extended to adult circles. Naturally, the question of prophylaxis had to be set aside in favor of current care in the form of treatment, especially after-treatment of previously incurred injuries. There were mainly two groups: sports and industrial accidents. In addition, two forms of disease demanded essential therapeutic care; spinal infantile paralysis with its tragic consequences, and bone and joint tuberculosis.

The consequently expansion of the sphere of duties demanded two things: 1. The promotion of GEBHARDT and his small circle of collaborators to an important, leading position. 2. An establishment to meet the requirements of this work, with suitable grounds capable of extension.

Both demands were fulfilled by the assignment of GEBHARDT to the staff of the Reich Sports Leader and his appointment as chief of the Medical Institute of the National Academy for Gymnastics and his simultaneous appointment as chief physician of Hohenlychen sanatorium in the Uckermark. This was in 1935 and it brought to an end our mutual connections as regards work.

Further on the occasion of visits to Hohenlychen in later years, I saw that GEBHARDT had tackled his increased sphere of duties with the same energy, and was getting good results. I shall only mention: the new and successful methods of treating spinal infantile paralysis; a paper written by GEBHARDT's pupil Dr. Lies, Prevention of Sports Injuries to the Achilles Tendon, and those all the medical papers from 1937 to 1938 and set out in the paper "Treatment of Bone and Joint Tuberculosis" my post illegible, and in GEBHARDT's new assignment Hohenlychen tried progressively to enlarge the extensive ground work achieved during the Reich period.

I met GERHARDT for the last time in 1936 again in connection with mutual work, when he was chief of the accident hospital at the Olympic Games in Berlin. I was in charge of the ophthalmic ward of the hospital and had ample opportunity of observing how sportsmen and physicians from all parts of the world, the former partly as patients, tried out with great interest GERHARDT's methods on themselves or had these explained to them in well-defined outline. Many of these international guests were transformed to Hohenlychen as in-patients, in order to undergo systematic treatment on the spot.

And so Hohenlychen became a social platform not only in respect of therapeutics, but also in the sense of friendly international relations.

This is a short summary in answer to the four questions asked at the beginning: When and under what circumstances I came to the acquaintance of Dr. GERHARDT, what form this collaboration took; the results of this work; what impressions I gained of Dr. GERHARDT during this collaboration.

The political side was missing in this picture. The explanation for it is simple: the years of our collaboration were entirely free from politics. Not a single word was spoken about politics. Medicine knows no politics. The medical policy of the real physician will always be, readiness to help everyone to the best of his ability. Accordingly, Professor GERHARDT's care was for all who were in need of it. Strict neutrality with regard to politics was, therefore, a matter of course. In addition, the numerous duties and the importance of the work, prohibited any discussion which might have caused the slightest injury to the realization of the idea, and which might have disturbed the inner unity of GERHARDT's working community. This uniform and completely non-political line was adhered to until the last moment, that is until GERHARDT left for Hohenlychen in 1933. It was also not abandoned in the rare meetings during the years which followed."

Munich 30 January, 1947.

Dr. Rudolf v. HUESS
Generalarzt (retired)

At the bottom is the following text: "I hereby certify the correctness of the signature of Dr. von Huess, whom I know personally in Munich."

Nuremberg, 30 January, 1947. Witness: Heinrich Hoppler.

I submit this as Exhibit Gebhardt No. 3.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: I shall now read into the record the order of the Tribunal in connection with the absence of the Defendant Oberhauser.

UNITED STATES OF AMERICA vs KARL BRANDT, et al, Order Case No. 1.

There having been filed in the Office of the Secretary General, directed to Military Tribunal I, dated February 25, 1947, a written certificate by Charles J. Roske, Medical Corps, United States Army, Prison Surgeon at Nuremberg, Germany, describing the physical condition of Karl Oberhauser, a defendant now on trial in the above entitled cause; and, Captain Roske, having stated in the certificate that the Defendant Oberhauser is suffering under certain described serious physical disabilities, and is in need of an operation for relief thereof.

And, Doctor Alfred Seidl, representing Karl Oberhauser, as Counsel before Military Tribunal I, in the trial of the above entitled cause having, February 28, 1947, filed in the Office of the Secretary General, for the attention of Military Tribunal I, a written statement in the German language, signed by him personally, stating Defendant Oberhauser's serious physical condition, and requesting that Defendant Oberhauser be immediately treated in the American Army hospital at Nuremberg; and, that the Defendant Oberhauser's evidence may be presented to the Tribunal after her release from the hospital, which may be expected within two or three weeks.

And, Defendant Oberhauser, herself, having filed in the Office of the Secretary General, March 3, a signed statement in the German language and in the English language, requesting that she be transferred to a hospital for an operation, stating her reasons for desiring that the operation be performed.

And, the Tribunal having been furnished with the above described documents, together with the English translations of the documents written in the German language, the original documents here to attached marked Exhibits A, B, and C, respectively.

And, it appearing to the Tribunal, expressly finding, from said medical certificates and other documents filed with the Tribunal, concerning the physical condition of Defendant Oberhauser; and from the documents and evidence above referred to, that the Defendant Oberhauser is in a serious physical

condition in need of medical and surgical attention.

Now, that her physical condition has been and is now such that she cannot adequately present her defense to the Tribunal and, if an operation is performed on her, it is to be expected that she will be able to attend the trial prior to its closing and present her defense.

And, it appears to the Tribunal, and the Tribunal finds that the interest of defendant Herta Oberhauser will not be prejudiced, but on the contrary, will be best served by granting her request, and that of her Counsel for immediate medical attention of said defendant.

Now, therefore, it is ordered that the defendant Herta Oberhauser, and, she is hereby excused from attendance at the trial in the case entitled cause, and, until her physician reports that she is able again to be in attendance at the trial, and, that the surgeon in charge of her case shall proceed in the exercise of this judgment and discretion for the best interest of the defendant Oberhauser.

The Counsel may proceed.

Dr. SEIDL: May it please the Tribunal, I now turn to the examination of Dr. Gebhardt, as a witness, and, I request that the witness be called to the witness stand.

THE PRESIDENT: The defendant Gebhardt will take the witness stand.

BY JUDGE SPRECHER:

Q. Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeats the oath.)

JUDGE SPRECHER: You may sit down.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. As Exhibit 25, the Prosecution has presented an affidavit which was signed by you. The subject of this affidavit is your history and the medical experiments within the SS. In addition to this affidavit, I now ask you to look through a short description of your life history, and, please tell the Tribunal when you came to take up the study of medicine?

A. In order to give an exact answer to the first question, may I use the

and politics", and to take that word from the question of my defense counsel, and I want to give me clarify the efforts and the defense in my description. Aside from the evidence which has been presented by the Prosecution details of my career and life, this seem to be very important. The most important thing in the situation, as I see it, and the most important thing, to be contained in the situation itself. I want to report about a war which was, in my life, from one war which was lost, that is the defeat in 1918, and the period to the other war, which led to the catastrophe of the present time. And, I feel it upon myself to illuminate certain facts in my description. My medical training, and my expressly medical intuitions, my life as a citizen, — I was all under the power of the political events; my relationship to Himmler, my military service with the Waffen SS. Then, in order to clarify the matter, I want to draw these lines of limitations without trying to make any excuses; all without over-evaluating the human action, the tendency, which after all, are only natural. Perhaps I can only state one thing in advance: That I come from a bourgeois family, and that in spite of the worries and hopes, I personally found a bourgeois style of living, and quite aside from any political considerations in school, it is probably characteristic for the German citizen that an uncorrupted faith exists in obedience, in discipline, which comes from above to the lower levels, but which to the contrary, never relieves the top authorities from their responsibilities. To my assistants and to my collaborators, and the soldiers who were to the front under me, I would like, at this time, to say expressly that just because I have represented something else than the average bourgeois in the state, and that I was not in the characteristic political line, and just because before 1933 and after 1933, I had international relations to a very great extent, as was really the case with many German physicians, and especially because of this all my worries and disclosure, and untruth and advice — I have obtained advice, and I have seen untruth in many countries. May I, in connection with the question of my defense counsel, give a rather uncertain answer with regard to my medical status.

First of all my life was not such that at the age of eighteen I knew exactly what decency was and that I had gone this way with the utmost feeling and conviction. Later on as a teacher I have always doubted that. The young people in that early period know so clearly what the worries are which confront a physician. If, in spite of this, so many physicians are successful, then this is not due to their choice of a profession, but the decisive thing is that the medical profession offers an opportunity to a man as a scientist, as an official, as a practicing physician and as a person who is earning his own living, and it offers the opportunity to give a personality more of a manifold picture, and in order to go into the details of my beginning it seems more important to me that I come from a bourgeois house and that I fought in the first world war as a young soldier; that I saw the end of the war as a prisoner of war, and that suddenly I was in a mass without any leadership and without any aim or goal and I was given another political education and we obtained the newspapers from the Leftist Party, heard the reports and we heard about the things which were alleged to have happened at home, in which everything that had been regulated in an orderly manner in our previous lives, the Emperor, the King, the oath, the relationship to our superiors, was just [illegible] and discontinued very un-dramatically and without any resistance on the part of the bourgeois citizens. On the other hand the want was so great for everybody who returned that the choice of a profession was made according to the conditions that prevailed.

My father was a physician and I knew a little bit about the profession and I was able to assist him to some extent. I studied with his aid in the Munich schools there was a great class of teachers but at that time the position of the teacher in the schools of higher learning was subjected to some extent to the pressure of political tendency, so that actually it was only thanks to my father that I learned the beginning of the medical profession.

I came to the Sauerbruch Clinic because of my father's influence. Professor Sauerbruch was always telling us about some political development and had a large staff of assistants around him where he exercised an

from discipline in accordance with his principles.

I received the general surgical training of this classical school for seven years and it will not be necessary to explain that in [illegible]. However, I think it is most essential for me to emphasize that there was a dissatisfaction with the developments of the time and people were assured that the situation would never change in Germany unless the social need of our time was accepted.

Without any political connections I felt the call of a doctor who concerned himself with the social questions of a general nature. The most impressive things at this large clinic were that a patient was clinically [illegible] in the truest sense of the word, that the many institutions of welfare in that clinic with reference to the individual were intolerant according to political and confessional view point or with us in Bavaria, according to the Landesgemeinschaft to diminish the welfare.

Today, particularly in my case, I think that I can well say that I in Germany was the first one to make the attempt of styling the healthier institutions and clinics as an institution should be cared for by the State, but for the real interest of the people that such a welfare is instituted in the sense that increased me to help and assist [illegible] of the workers and students, everybody who was inferior rished, and hel, that we beyond their mere treatment and bring about a healthy condition of the entire human being, that is to say, it is a declaration of war against the very individual and comfortable and ordinary activities of the physicians, whose aid is dependent upon the money that they may receive from the individual.

From the last war [illegible] I never earned remuneration [illegible] of money because of my [illegible]. I was not read by the Party, not SS or the State, but I remained at Muehlyeban in spite of my liberal and [illegible] for reasons of principle. When I had to defend myself before higher authority [illegible], I was able to [illegible] I was [illegible] the [illegible] [illegible] poll articles [illegible] [illegible] what people can do

without them one can be very expensive in performing cosmetical curious operations on a file clerk because that woman can be dispensed with. However, as a specialist as I was one, one cannot apply that to operations which are necessary in the case of people who are impoverished and one cannot just connect it with a public enterprise.

I want to emphasize these principles initially because that explains my position and there was a great many German physicians who thought the same way as I did. We were the men who started the students and [illegible] and again had to interrupt their careers because of the necessity of having to earn money, because of war, events and other incidents. I think that I can say the time in favor of that group. We were the first outspoken pacifists in Germany because we wanted to connect ourselves with ordinary civil life, but I think we were also the ones who were most ready to make sacrifices. At any rate we didn't embark upon a career where working hard demanded no friends and burdens could be a thing to us. During my career because of the pressure exercised on us at the Sauerbruch clinic I desisted from any political activity. I [illegible] the friend and physician of the poor and the rest who were in need.

A (continued) I remained the friend and the physician of the poor and the ones who were in need. My camps had no very special attribut[illegible]. [illegible], I can quote from the early report which is contained in my next document. I would like to quote two or three sentences because they illustrate the tendency of our desire and I think it is my perfect right to defend myself against those slogans against the simplicity of description as if only a black and white, and I feel I have to passionately define my position in that regard and in the interest of the young.

The yearly report states by saying "To help and to be a physician must never have anything to do with money." Many of our officials did not like the sense of this sentence because it effected their personal earnings. The most important thing, it seems to me, is to emphasize the following quotation: "That I see an extreme danger in the fact that in all welfare questions I[illegible] are concerning themselves with judgment of medical affairs and very easily when judging over-estimate [illegible] systems - cosmetical and [illegible]ural systems, without understanding the essential point of the [illegible]l- [illegible] of the disease and to understand things concerning fate, the fateful points of the disease." I think that I repeated the sentences which originated from 1929 up to the year 1945 and I sincerely represented it.

And from trial the year of 1931, that is the time in Munich, when Mr. Leibbrandt states, a group came up and only represented the [illegible]tive side of the physician. My camp of the physically injured for the first time accepts insane persons and I may use this example [illegible] it is of some importance [illegible] to the discussion here. You know that there are countries abroad from our point of view who speak about the position of the feeble minded. Through this experiment I have proved that even in the case of juvenile feeble minded [illegible] is hard to decide what cannot be changed and is born heritage or, on the other hand, what may be the influence of a bad education which caused him to follow the example of other feeble minded with which he came into contact. During the so-[illegible] experiments at the Munich-Augsburg Institute, and I shall [illegible] concrete proof for all my statements, I included youthful persons into the

healthy sport groups, whose feeble mindedness had been finally established from a psychiatric point of view. By virtue of this living together - is [illegible] life with the healthy people - with the good example, people were educated by me - the result was that of 20 feeble minded young persons ten left the institution, were released from the institution and the other half had to return to the institution, either immediately or during the course of the time. I only want to cite this example because this is a medical educational experiment which in many cases even in the United States had been repeated and is only here to prove that we in Germany weren't people who were just cowards and stupid, but that we had concerns about people who were impoverished and who were in need and we wanted to embark on our bit together with them.

Q During the year of 1942, witness, you became lecturer of surgery at the University of Munich. How did this appointment come about and what was the subject of your habilitation thesis?

A I may give you a few dates because of the year of 1933 which [illegible] an important change and since I am being accused of being stupid, not educated, and having acted without any feeling of responsibility, and that only because of my youthful acquaintance ship with Himmler I achieved my high rank. In 1932 I was a fully pledged surgical assistant. I had professional education in pathology and surgery in 1932 and 1933 and at that time already had two special fields, one of which was the follow-up treatment through gymnastics and the disease itself by surgery. I was the first physician of the Surgical Clinic of the Sport Clinic. I had connection with all Sport Associations. I was a member of the Workers Sport Association by virtue of my camps. I was one of the first professional advisers, medical advisers of Munich, and assisted in cases of retraining, reeducation, etc. I was teacher at the school for gymnastics of patients and I think that the tendency of Germany with reference to surgical gymnastics would not quite be silent about my name and my participation. On the other hand it was never my intention to become a university professor and in the year 1932 I endeavored to go to a little hospital which was in

the scope of activity of my father, when in the year 1932 Dr. Lexer offered me a university career. During the transition period of 1932 and 1933 I [illegible] only was a member of customary associations. I don't think it is necessary, [illegible] that all these national [illegible] cannot be accepted into Germany society otherwise, just as it is true abroad, one only needs two warrantors. I was also a member of many international associations and societies which was a little more difficult and even after 1933 remained a member. In the year 1934 I held a speech in Poland about the problems of surgical tuberculosis. It was [illegible] discussion with an Italian and a Frenchman. In the year of 1935 I spoke at the Sorbonne at Paris and the French Chairmanship, I was a member of the International Association of Sport Physicians and of the International Surgical Association. All that wasn't very important but at the same time I want to demonstrate these matters in order to show that before 1933, after 1933, until the very end I was a person with whom people were in correspondence, that I have much to think the many people abroad [illegible] that on the other hand I have been a person to help quite a number of people abroad.

Q. I think there is a slight mistake with reference to your professional education between 1923 and 1933.

A. Yes.

Q. Witness, when did you become chief physician at the institutes of Hohenlychen and how did this appointment come about? Where were these institutions, what was the special purpose that you had in mind and what was the situation when you took over these institutions as chief physician?

A. The institutions at Hohenlychen were not a concentration camp and have nothing to do with the concentration camp of Ravensbruck. My different collaborators had nothing to do there except under some order which didn't affect the camp Hohenlychen. Hohenlychen had before been under the leadership of Geheimrat Bier who is the [illegible] of the three classical surgeons of Germany - Bier, Sauerbruch and Lexer. This had been a purely tuberculosis institution. It was a privat welfare institution and in 1933, since all the entire tuberculosis movement had undergone a change, it has become no longer necessary because the transportation of tuberculosis diseased to the sea and sanatoria was preferred. When the Third Reich was created and newly formed, the Reich Sport Leadership organized. That is to say, it was [illegible] to comprise the entire sport activities which, on one side, led to many individual limitations but which, on the other hand, over-emphasized the importance of the Reich sport associations - the sport associations of the people who were well off or of the so-called "semi-amateur" who was paid by industry. On the other hand, the Reich sport leaders Von Tschammer und Osten attempted to further support the sport movement of the youth, the sport association of the worker. My dear friend, Baron Von Tschammer, was [illegible] unfortunately the [illegible] special interest ../...

to care for the men who had been wounded. On the basis of my work and my assistants in Munich I, who was not a member of the Party - and that is something I want to mention, by the way - was appointed as consulting physician of the German sport and held this leading position from the year 1933 to the end and throughout the entire war, and that about this time I had no connections with Hitler. That was because of the understanding by the Chief of the Wehrmacht Medical Service who realized the necessity of caring for war wounded also by way of sport. That is to say, if they were to be taken out of the Army and to be included into sport associations- in very many cases Hohenlychen. In order to be able to carry out my work, I needed support from the Reich sport leader. Hohenlychen, at that time, had great difficulties and I had taken it over as a private chief of a private clinic. The insulting words "the Nazi fortress" certainly is not true of the initial period of time. Hohenlychen was the most tolerant institution of Germany, included a thousand beds, and was organized only to concern itself with the three concepts of disease. That is in contrast to the typical German hospital which concerned itself with general care and of which there were a number already under the leadership of experienced physicians. I tried to limit my institution to three concepts of disease. The first: sport accident, and it was not my intention to help only people who had money and to lead a comfortable professional life and to alleviate only their lives because of our treatment, but, to the contrary, we were mainly concerned with those pure sport people where had work was connected with the joy of sport but whose external conditions of life were so unfavorable that they exhausted themselves because of hunger and because of need. There by a paradox situation came about; namely, that the least incident, the least small accident would lead to severe physical injury in the case of those people who lived under such bad conditions. More important than any other results during treatment seems to me to be one thing and that is something that

[illegible] left out [illegible], and that is [illegible] German sport ski. I drew [illegible] between the [illegible] social insurance of Germany and the private insurance [illegible] individual. I tried to substitute an institution of insurance which, while [illegible] by the state, could still be generally [illegible] every-[illegible] and that in order to provide [illegible] still [illegible] sport to [illegible] for his injury without [illegible] to undergo any sacrifices. Since [illegible] mentioned before, I [illegible] that [illegible] concerned [illegible] for any sport event in Germany [illegible] 10 or 20 [illegible] disposal of the [illegible] sport [illegible] for the purpose [illegible] to mechanize [illegible] because this shows the [illegible] of our thinking and our opposition [illegible] compulsory state insurance system. The individual, after being injured or after having an accident, received free medical care. However, we didn't want any [illegible] of sick [illegible], we spoke. We didn't want any [illegible] and we thereby avoided all that [illegible] which Germany is reduced by [illegible] countries - and rightly, in relation to their insurance system [illegible], that it paralyzes the working capacity of the individual by relying [illegible] compensation [illegible] which are far from satisfactory. On the other hand, we [illegible] placed for our [illegible] were several injured. From [illegible], up to the year of 1937, [illegible] 6000 [illegible] workers and sportsmen under my continual control. [illegible] work-[illegible] were free [illegible]. That is to say, [illegible] at least [illegible] didn't just [illegible] of the [illegible] Lichtenfels or wherever it was [illegible] in order to just let the other [illegible] in the [illegible], but I [illegible] back to the problem, [illegible] there [illegible] would be [illegible]. [illegible] I [illegible] practice [illegible] sport [illegible] that the [illegible] would be [illegible]. All these things have their value [illegible], [illegible] under small [illegible].

[illegible]: The Tribunal will [illegible] in recess until [illegible].

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 4 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, I was told that some of what you have said did not come through. I therefore ask you to make shorter sentences and in order to clarify some of the misunderstandings I ask you once more: When you were appointed as Chief Physician in 1935 to Hohenlychen, did you have any relationship to Himmler or did he exercise any influence on that appointment?

A. I think I have said before that I was assigned to this position and that there was no political background connected with it whatsoever. I came over through purely academic channels. I was the consulting physician with the Reich Sport Leadership to which was a central medical position. Secondly, I was professor for the Reich Academy for Sport Activities and I was there the leader of the medical department. Thirdly, I was the Chief Physician of the Institute at Hohenlychen. At that time I had no connections at all to the SS or Himmler.

Q. The word "Institute" Hohenlychen was sometimes connected with the word "camp". Was the clinic organized in the form of a camp or how was it really organized?

A. It was a normally built large clinic with over a thousand beds, 18 to 20 buildings. There were departments for children, for tuberculosis, for [illegible] for various lung diseases. The buildings were separated according to the various fields.

Q. This morning you spoke about the thought which you had when, in 1933, you took over the position as Chief Physician. Did you succeed in realizing these thoughts during the course of the years?

A. I may point out very shortly that 3 men decisively influenced this work and represented these thoughts together with me. Those were my immediate superiors and my friends. One of them was a sport leader who represented the entire sector of German sport. Then there was Dr. Todt, who represented the entire labor system, who worked on the Autobahn, and who was recently concerned with those who were injured through work; I think in the year 1937 I received a position with Dr. Todt in a similar capacity as the one which I held in sport activities, that is, consultant. My scientific and spiritual leader was Dr. Guenzt of the Reich Ministry of Education, who not only was an old sportsman and a German champion but also was an anthropologist and had the entire scientific supervision over sport activities as well as the Institute at Hohenlychen.

At the same time I may mention that Hohenlychen was a private institution and it was intended for welfare. Before it had been purely at the disposal of tuberculosis patients. From 1933 this institution was newly founded and extended. I have already mentioned the 3 decisive men; they were Tschammer, Todt, and Kruckenberg. In addition, Generalforstmeister Waldmann became a member of the so-called Curatorium. He knew my family and I knew him from Munich; he saw to it that any sport-injured members of the Wehrmacht who expressed the wish to go to Hohenlychen could be accepted there without any difficulties.

Hohenlychen was under the supervision of the state as a private institution, as was the case in every German welfare

Institution. The state supervision was at one time exercised by Dr. Grutius Ministerialrat in the Prussian Ministry and as I said before, supervision was exercised by the Reich Ministry of Education, by Director Dr. Kruschel. The development of Lebensborn itself was concerned

with sport, people who were injured by work or injured through any other means. In 1937 and 1938 we concerned ourselves only with the surgical treatment of children with infantile paralysis. It was a matter of course that we extended ourselves and received support. We did not have the same number of patients as other hospitals, that is, patients who went to the closest physician when they experienced any injury. My experience was always devoted to the final stages of a disease, that is to say, to help those who were most severely injured. After those people who were severely injured from sport, after they were rehabilitated by us they again, for instance, played on their international teams; we were also concerned with wounds from the last war which had not yet healed and in addition we were concerned with infantile paralysis, something which were taken from their entire surroundings and the concern of their parents. It was quite natural that we received a large number of patients who had a certain special position in Germany and this was something which was supported by German physicians.

We had two opportunities for help in this connection. There was an Olympiade in Germany, of which I was leading physician, for the Olympic games. I had 20 assistants with me in that capacity and during concentime about ten most assistants coming from abroad. It had become customary to distribute our educational films and many German sportsmen and even sportsmen who were injured abroad came to us.

Another departure may perhaps have been of a decisive importance, namely in my surgical treatments with infantile paralysis had to have a certain prerequisite. On the side, from the 800 infantile paralysis cases, I selected those where the patient was perfectly healthy with the exception of one limb or one leg. Extending in idea which came from neither side we tried to draw the strength of the healthy side of the patient towards the sick leg, in other words, to see whether with the right shoulder and the right limbs, the left leg could be saved.

A Torch-A-Do-Ha-1-Sploy (Int. Reader)

Court I

This extension of the muscles comparable to something that follows the principle of the branch of a tree which cut n's towards each side. This principle was only possible if the patient stayed with us for a long period of time and did survive the transition period without any burden or particular effort.

Wheanlychan is situated near Lake, and the boats, which enabled the children inflicted with infantile paralysis to stay in the water for an entire day. During the winter months built into the water and therefore improved our bathing facilities. [illegible] however, was something that we copied from 'Warm Springs' [illegible] thought the therapy was in fact infantile paralysis with the burned children.

Q. Mitchell, have you finished with? Now, will you please briefly describe to the Tribunal the development of your children's work?

A. During the war Wheanlychan was divided into three departments. One was the civilian department, where there were children and women, which included some 300 people. There were over 400 beds for the children and 300 beds for the army — that is 300 beds for the SS.

Except [illegible] Child [illegible] all three departments, but because of being [illegible] from [illegible] third, [illegible] the year 1943 [illegible] children were [illegible], and a number of my people and assistants [illegible] were returned, so that Wheanlychan was again being [illegible] in peace time. We had a very certain [illegible] understanding for that from [illegible].

It may be characteristic in this [illegible] experience from my time as a young [illegible] that I talked about the [illegible] between material conditions and the social need of our surroundings. The bitter experience has [illegible] to me, — in the case of all extreme political disputes the most important [illegible] people who had suffered most [illegible] and who had lost their composure [illegible], and only [illegible] which it is the most difficult to [illegible]. Our own political [illegible] in [illegible] time, [illegible]

now, to the crippled poor man became the problem who could not manage without the help of the State.

I made it clear that Wohlenlyschen after this war should become the central station for all injured people, and prove all should accept those injured people, where not the competition as such is put into the foreground but the very peculiar psychological distortion which is so often the case in the crippled patient. We had sanatoria, training facilities, schools. We would accept remnants of the activities, and for that purpose I trained a staff of physicians and sport teachers ever since 1943, and in the year 1943 I gave Germany the outlines for the purpose of caring for the injured, and those who were injured by sport; and it is for this hyper-imposed thought that Wohenlyschen served through the entire war.

Q. I now come back to your further scientific career; when did you become an extraordinary professor for surgery?

A. As a lecturer of surgery I came to Berlin from Munich in 1935. I became extraordinary, and in 1937 I became ordinary professor. At that time we had very loose connection with the faculty of the University. My main capacity was to the Reich Academy of Sport.

Q. You have heard the testimony of the witness, Professor Dr. Leibrandt, with reference to the Oath of Hippocrates. What is your position now and what was it before, with regard to the meaning of this oath?

A. May I be permitted, even as a defendant, to express my surprise that in the case of the testimony of Dr. Leibrandt, and in the end of our examination, the very comfortable sentence is used, "Don't you know the Oath of Hippocrates?" There are very clear moral principles against which no doctor can act. Dr. Leibrandt called it the longest established code of honor of physicians, and I had the impression that one was just using this sentence in a legal manner.

I can refer to a paper by me from the year of 1940, and I never felt it is not my job to give my opinion, but I concurred and the feeling of honor rite which prevailed with every honest German surgeon when he wanted to define his

action towards one moral principle, that is something I do want to describe. The so-called Oath of Hypocrates, which in reality is the old Asclepiade Oath, and certainly has nothing to do with the person of Hypocrates, and is really much older, is now being presented in a manner as if there is a medical ethics which is unchangeable. I believe, using all reticence, I can well say that every ethic is part of a philosophical principle. Each philosophical principle is depending upon its time, upon the situation, and upon the scale of value into which you include it. At that time I wrote, "The Asclepiade Oath in its introductory sentence must be understood in a way that the oath with the God means a determination, namely the question arises what is the supreme principle, of the physician from which he can derive the moral activity." Certainly not Apollo is being spoken to in that connection. There are a number of physicians there the metaphysical super-imposed concept of the supreme order is outside any natural events. That has much to do with the physicians of the renaissance, and in modern times has nothing at all to do with them. This physician, in most cases, is an atheist, an unbeliever, or perhaps better expressed to the man, the individual himself is a measure of all things. He doesn't think about what is fate and what is changeable. This work for the individual is the only thing is now being passed to us as the best. I committed myself to point out what the most important part of our discussion in previous time was. It is the fourth sentence of the Oath of Hypocrates, "I want to help without any consideration for award." I always have had this concern about this exaggerated activity of the physician. Our concern is that it is only concentrated, and is depending on the human being and the nature, just considering the natural development without considering any supreme powers; and secondly, I have known so many individual physicians, who certainly were ready to help, but as a specialist always asked "What can we earn by?"

Court I

You can apply yet another measure of collectivity. You can say that we don't primarily think of the individual, but we think in the entirety, help of the poor and of the number of poor. I would describe that as the social altruism which says that we can only help to a limited extent, if as physicians our time is limited, if it costs our welfare, the means of giving are limited, then we don't have the right and we must not have the interest to primarily help the person who can surround himself with a number of specialists because he can pay for them. We must found collective communities of need and I was always answered, "Well, we have these things, we have welfare institutions, etc." We know that they are very doubtful limits to these institutions, but it is important to point out that whenever the aid of a physician changes to a collective community of need, that naturally the obligation of secrecy of a physician must of necessity stop. It is much more decisive than the indictions of Hitler that some few people, who were in leading positions, had to break their duty of secrecy.

In the time of Bismarck social insurance was introduced, pensions were introduced, trade unions were introduced and there was hardly any or a very limited secrecy in the case of the physicians. That led to a situation that the poor man, and as a member of the insurance company, could no longer choose the physician without between the physician and the patient there was a bureaucratic state order, some bureaucratic welfare institutions and that a number of secretaries and clerks were getting sequestered with the need, the suffering and the concerns of the patients.

And now as a third consideration, the medical situation has changed completely. Not because of the physician, but because he is ordered to do it whenever a totalitarian state wants to take over the medical welfare institutions. When I heard about the first totalitarian state [illegible] on human welfare, I found that this was the Roman state. I said that this was a cross examination on a state level and that the sentence most common is the sentence, "What is necessary must be right". We don't know who defines what is necessary, but it is important to establish that the

physician who really works in the totalitarian state and is convinced of his work not only stands by his own individual patient, not only has a possibility to work in this community of need, which he himself should choose, but over him are concepts like necessity of the state, statistics of the state, the needs of the state, if the state, in its medical orders, decides what question it wants to solve. You know that these state orders were always mentioned in Russia during the very first five year plan and that applied to the medical field too. At that time I wrote that it was an extraordinary important decision to decide whether a physician stands alone in the liberal country and is alone in contact with any patient concerned. All of us will envy the physician like that, but one cannot tell so that this is ethically the best physician for the ethical and clinical welfare.

I, naturally, as today very careful, have great respect for many physicians who live according to this individual democratic life, but I know quite a number of business men who also belong to that life too. I was in the position of the so-called social liberalism, I also had the concept that the state should steer, the state should govern, the state should interfere in private welfare, which would comprise large communities of need and most emphasis should be given to the poor and to the youth.

I saw many drafts of the coverings plan and I think that this is the ideal solution. I was always an opponent of the German social insurance. That was before 1933 and after 1933 Germany is too bureaucratic and it forces the physician to become an official. During the war, development of these totalitarian state principles increasingly intensified. Perhaps I should place Hippocrates where he really belonged. In history Hippocrates comes from the old Asclepia school, he is a priest physician. From the very early days he personally believed in the family connection. In the case of mentally ill patients, he treated that it was the gods who had distorted their brain. He opened the brain, he finds naturally in a few cases that there is some swelling and in [illegible] cure. I am sure that he must have killed a number of people more than [illegible] infirmity, because he

believed in the fact that it was something brought about by God. He is inventor of idoeplastic, that is to say he believed that when he could create on his island a big maternity ward and then show these people classical pictures of beauty, pictures of external beauty, then these women if only concerned with the classical beauty in their thoughts, would eventually also produce beautiful children. That is the point of my statement.

There is no book to which Hitler more often referred than to the book of Hippocrates. Ever since 1940 it was on his desk and this domed idoeplastic ideal which bases judgement of human being according to external points of view, he thought had a classical basis. He produced something further. In the old publication of Hippocrates, it says that he had a friend called Drogilos, who was a great thinker of Athens, who was the inventor of the first narcosis of a certain sleep by the use of a root. Hitler had used a second proof which he took from Hippocrates, he said that according to his opinion only after contact with a layman, the first narcosis had been invented. I want to express with that that Hippocrates having and respecting this big medical figure, who was depending on a fairy, who was depending on a scientific research, he was depending on the political situation and surprisingly even depending on certain classical imagination, which were recognized in our majority.

Without comparing myself to that, I please define my own position in this discussion. The name for Hitler came and the following sentence, which was written on the occasion of his seventieth birthday, "The biggest error is to believe that an individual effect or external signs are decisive for judging the value of a human being. The amount of the effort is the effective factor."

This depends on the biological and moral reserve stocks of the human being. In 1940, I tried to teach Hitler this correction of his concept and Hippocrates, but he did not pay any attention to it as a layman was considered to be useful. I think that the physician who has an inner feeling of decency is the man who most probably will always believe in God. This

man would be the most decent doctor who would help the poor. I hope that no young physician, who grows up, will become a physician in a totalitarian system.

Q. You know that in the [illegible] 1934 the Reich Government issued a law in order to prevent sick [illegible]. What is your attitude towards this law?

A. I came into close connection with this law on the occasion of my activity at Bohenlychen. [illegible] I had influential friends in institutes in Bohenlychen, and [illegible] also a Jewish group. [illegible] without quoting any names because [illegible] opinion [illegible] patients came to us [illegible] in order to appear in evidence on my behalf at a later time.

[illegible] which Hitler [illegible] was in my instructions [illegible] clear, using [illegible] example, that I [illegible] to lead [illegible] in the [illegible] manner in which I did so [illegible], or that I must close. Hitler, [illegible] still [illegible], [illegible] which called for [illegible].

I had the right to accept them, to currently accept them [illegible] contained in the case of hereditary diseases. [illegible] mention that because I [illegible] something [illegible]. I [illegible] the other [illegible], of course, but certainly some patients were accepted [illegible] approached the clinic. [illegible] they approached the clinic [illegible] of political [illegible] which [illegible] with the [illegible].

[illegible] it is [illegible] circle of somebody, [illegible] accepted a Jewish patient. [illegible] difficult was the [illegible] mentally ill [illegible] it is really a question [illegible] it. Dr. Brandt [illegible] very clearly that he considered it [illegible] experience this [illegible] the [illegible]. [illegible] children [illegible] only congenital injury, just [illegible] that was crippled or [illegible] was [illegible], the sterilization law [illegible] first in Germany in [illegible] were very strict. I think that we have to thank Dr. Brandt [illegible] that we were able to alleviate that situation essentially.

I think that you described [illegible] and the spiritual [illegible] and according to which [illegible] intended to lead Germany, and I [illegible] over to your activity within the National Socialist Party. When did you enter the NSDAP and what was your position towards the so-called Nazi ideology?

A. I joined in May or June 1933, after my appointment, at a time when every official and professor was [illegible] of [illegible] also a member of the Party; that is, I didn't experience the initial stage of the Party and all the initial period that was connected with it because of my neutral social position, but I want to [illegible] very clearly in connection with this [illegible] what happened to the thinking of a certain class of people at that time.

I don't want [illegible] in order from [illegible] I in any way wanted to [illegible] other people, but [illegible] any [illegible] thousands there anywhere [illegible] a thousand or [illegible] people. [illegible] Germany really did not [illegible] much about the [illegible] which. [illegible] people had lost their [illegible]. The conflict [illegible], and it was [illegible] which [illegible].

The [illegible], non-political [illegible] also [illegible] the [illegible] and is [illegible] illicitly with [illegible]. Neither I nor my assistant [illegible] any political [illegible] ideology of a similar [illegible]. [illegible] I was completely indifferent in my experience in the Third Reich, so that I [illegible] at an [illegible] for speech [illegible] any lower period [illegible]. [illegible] convinced that Germany was in [illegible] extent to burning [illegible], and take it [illegible] my account [illegible] in [illegible] actively with the [illegible] of that time.

[illegible], there were a number [illegible] I [illegible] [illegible] Court, [illegible] the [illegible] Third [illegible] [illegible] of their [illegible]. [illegible] I [illegible] [illegible] in [illegible] and I believe that in order [illegible] to [illegible] this was last of all [illegible], the [illegible] and

[illegible] of this opposition in mind.

[illegible] other hand there was a certain [illegible] spiritual elite, [illegible] up to Pinchuck, who, moved by virtue [illegible] spiritual conviction, went [illegible] coercion which was exercised by the Third Reich.

I saw the physician [illegible] and Mr. Pinchuck [illegible] all there [illegible]. They represented people of spiritual individuality, [illegible] lend support to the German people in their need for in their [illegible]. They [illegible] instrument of power in order to [illegible] order.

I don't want to say very much [illegible] the Prur[illegible] side, but I think [illegible] as a physician with [illegible] where [illegible] there with his numbers [illegible], [illegible] his worries, [illegible] his letters, [illegible] he knows, that I could [illegible] still in a certain [illegible]. [illegible] a political policy [illegible] in the [illegible] which [illegible] in a convincing manner [illegible] the [illegible] side. The German [illegible] and [illegible] in [illegible] the Third Reich [illegible] completely realized it.

[illegible] mostly that I [illegible] the [illegible] the political [illegible] to exercise [illegible]. I want to [illegible] I [illegible] still [illegible] and military [illegible] [illegible] in [illegible]. [illegible] of the [illegible] [illegible], which [illegible] from [illegible] point. [illegible] I did change and I [illegible] the Third Reich, [illegible] the [illegible] [illegible]. I [illegible] opinion that it is [illegible] opportunity [illegible].

[illegible] pointed [illegible] not realize and [illegible]. In the [illegible] it is [illegible] say that [illegible] tried [illegible] the Third

[illegible]. When the Fatherland is in need there can only be two possibilities. Either you recognize in time that the Leadership is [illegible]; in this case you have to fight it from the [illegible] department. You don't let yourself be [illegible]; you don't take a [illegible] -- you fight it. Either you succeed, and therefore don't [illegible] it, or

But, there is another possibility; there is the possiblity that one believes that a power has come in the Government legally and will survive, even in spite of all the failings of the officers, individuals and all eventually will be steered properly when people who are in the Government who are in the country will advance their criticism, and will then steer the country to the proper goal. May I take the historical example of the French revolution; there it was also the case that the democratic idea of Franklin in France where Lafayette sprang, could only exercise its influence in France when there were people actively opposing it. I don't think that there is a third possibility, that outside any opposition or outside any cooperation, one appeared at the end of a catastrophe with an empty questionnaire in hand and documents, but having been a member of the party. The youth in Germany, our assistant guards, were only coordinated because we were standing in front of them as generals and professors. Now, I say say in my statement that I was an outspoken civilian; that I never received any money from the State or Wehrmacht, which I think I can prove, that I did everything within my sphere of influence, acting sensibly and socially. So I do not want to get away from the responsibility which I took over as a general and as a professor. I had no position in the party, no special position; there was no possibility to dispute about this matter with higher or lower echelons. I took this opportunity that I can say whether I was right or wrong. I sacrificed just as much as any one else with reference to family and other sacrifices, and I didn't try to get away from any danger.

Q. Since when had you known the Leiter Reichsführer-SS Himmler, and what kind of relationship did you have with him?

A. I know that Himmler's shadow operates everybody, but if it was not the case of Dr. Fischer, it would be very easy for me to ask the prosecution to give their basis of the indictment in that direction. I can tell you, perhaps, how Himmler approximately affected me, and I think it is important to state that even if there may be a danger to speak about my relationship

powers and high influence; whoever, dared say that knows nothing about the Third Reich. I am completely convinced of that. Himmler was neither an important man nor was he a pathological peculiar man. Himmler was never a two faced man. Himmler was never interesting. Himmler on the other hand, if you permit me to leave out those unspeakable cruelties from the room, for just a minute, he was a man very simple, a very industrious man, who had a working program which changed as in the case of every simple man from good to bad. Himmler originates from the same city as I do, that is, from Landshut and those very notorious relationships of confidence which are being reported, only existed in so far as my father was Himmler's house physician, and Himmler on the other hand, Himmler's father was my rector at my school; that is, we spent our childhood from 1912 to 1916, together. And, if my parents house was very liberal as to the Himmler house, the Himmler house was that of a strict orthodox schoolmaster that handled their son strictly. My notorious relationship as I find does not always refer to Heinrich Himmler but to his brother who went to school with me. And, now the horrible thing is added to it, that the first name of this brother was also Gebhardt, and therefore, I was called Karl because if the teacher in school called my Gebhardt, Himmler's son and I would simultaneously answer to Gebhardt. So, from 1916 there is a certain letter from Heinrich Himmler to Karl Gebhardt which starts, "Dear Karl." Then the war came about and every decent German went to the service of his country so that my personal contact with Himmler stopped from 1917 to 1937. Naturally we met one another again in certain historical situations, and our attitude changed. I experienced the entire necessity of the first war. I was wounded and I was imprisoned. I know what it means to be a soldier in two wars. Himmler was never a soldier. He was just a soldier without going to the front, but that was all. While my father could force me into a certain bourgeois career, Himmler's father did not succeed. Perhaps one could explain it retrospectively. Himmler's father told his son that he had to go to a farm where he had to be kept extremely strictly in order, to get away from any political influence. Unfortunately

near that farm there was a number of officers of the National Socialist Party and that is how his father's intention of necessity failed. Our student career may have been similar, I think. In 1923 there was the so-called Nazi putsch. Himmler participated actively in some political group there. I participated as a physician and took care of the wounded people and the dead people at the Feldherrnhalle belonging to both parties, that together with Scheubert Saurbruch. Hitler continued to serve very much in the party, and in 1925 founded his SS together with others. He turned to the circle which we both knew from school. I consciously did not become a member. I do not want to awaken the opinion here that I did not do that because of any certain political insight, but because of the concept which was valid in all schools; namely, that the older never subordinated himself to the younger. Up to the moment the war started, up to that moment, I had my independence toward Himmler. After that moment, however, I became a soldier and I was obedient without question. However, the personality of Himmler came into my different light. Himmler in 1925 founded his SS and, I believe, not because I think my own memory is important, but in order to help keep things straight with facts, I think it is necessary to say a few words about the SS here. Just because I kept away from that up to the year of 1936, the year of the Olympic Games, Himmler is not original but enormously industrious, the SS in its principle, irrespective of whether the channel and personality was correct, had a call, which as an instrument of power could be used, misused either for the best or worst. This call, of course, does not originate from Himmler, but is a symptom of all foundations of orders prevailing at all times.

It shouldn't be interpreted as a blasphemy if I indicate that Himmler simply stated that in this collective mass I must reproduce once more a form of aristocracy. I am obliged to say that because only in that way can you understand that, you can either find the very best of the German generation with the SS or the very worst. It is very correct that the Prosecution points to the SS oath particularly, but they were not in a position to init erpret it correctly and read it correctly if I may criticize. The oath speaks of absolute obedience. I tried to show the German Reich as we experienced it, and if there is one thing which I realized in spite of my position to the Third Reich it was that once more there was a clear conception of obedience and authority, something which, of course, was later mis-used. We had all grown up during a time when there was no oath. I can just remember, just about remember that there was a Kaiser and a King, and that was why after the collapse of 1918, they had become very ridiculous in their authority and the epaulettes of officers were torn from their shoulders and officers were not selected because of their ability but because of their political affiliations. Every little group of people had their own imagination as to how Germany was to be saved. The Oaths were impossible but they were secret and were never kept and where there was a foundation of an order which can clearly be conceived. It was grand if it was an order which is tied to absolute morality. It was danger if it is severely inhibited. The oath says: to be absolutely obedient, come what may, that one looks into the future and gives absolute obedience in order to finally help Germany.

It was said in 1917 we had almost won the war if we had just been a little more faithful. We have seen how no government can maintain itself because of gross deceit and black market and so on, and every conception of authority was injured, and now a new thought came about, just be obedient, don't ask, no questions, and in this generation to do everything to see to it that Germany is better off in the future.

That is something you can well believe and have faith in when you are twenty and thirty years old and if you don't try to get away from this responsibility you don't have to be condemned. Such an oath is a terrible burden because I didn't feel that and I didn't go to the SS in a dramatic way. I wanted to be understood in a way where I am just describing in what manner the generation was growing up. That is not for my own concern. I had so much to do with my scientific career in Hohenlychen that I had no relationship to the SS or any political activities.

I was sent to Hitler in order to prepare the Olympic games and those were the circles who were reasonable. These were the bourgeois circles. They were the ones who sent me and the reason was that the German teams were not to include Jews and the appearance of foreign Jews even was not appreciated politically. The Reich Sports Leader who was absolutely fair, was against the conception with all means at his disposal. It was very difficult for him because the Chief of the German Fencing Teams was Heydrich and he naturally exercised this counter pressure against German intolerance in sport activities and I went to Hitler because of Tschammer's wish in 1935 and convinced him how impossible it was not to be tolerant in medical and sport activities. At that time we thought that it would suffice if we could get through with our fair neutrality in this field and to oppose political grounds of a different nature.

You know that we succeeded and I can claim the credit that I was the man who could prevent this influence. Now you cannot say on the basis of that that I should have prevented everything that Hitler did throughout my entire life, but I can well differentiate. I could limit Hitler where it was within my sphere of power. On the other hand I couldn't gain any influence where I don't know what was going on and where I had no knowledge of the details. I then was included in a German committee for the Olympic games and an international committee for Olympic games, and as a reward and because of my connec-

time to the Reich Sport Leader I became a stride like an [illegible] leader of the SS.

During the time and the subsequent [illegible] when Hindler visited Schönlychen, whether during the Olympic Games or after the Olympic Games I don't remember, he brought some members of his family with him who [illegible] and I accepted her.

During my interrogation I was tortured and I was asked for confession, [illegible] with your knowledge [illegible] your connections abroad, [illegible] you have been in especially with Hindler. Hindler very modestly and quite clear came to Schönlychen. I was the leader at Schönlychen and not Hindler. Hindler only spent as much time as any other Bin or Duke I brought. I never rejected any one personally [illegible] in my capacity as [illegible] because of my [illegible]. I accepted [illegible] responsibility for [illegible] relationship and I started a certain relationship of confidence with a strictly limited sphere of tasks. [illegible] anything [illegible] Hindler. I remind of the rank [illegible] Führer. These [illegible] connections [illegible] crystallized into a terrible [illegible] formation in 1930 [illegible] to Austria. By [illegible] accidents we arrived [illegible] troops [illegible]. The political tension [illegible] and a number [illegible] had [illegible] Führer. Although [illegible] the events in Austria I was [illegible] told [illegible] to protect this [illegible] Hindler, located in Vienna, [illegible] that [illegible] the conception of secret [illegible] areas. That is, [illegible] what [illegible] or what [illegible] or [illegible] after 1941 Dr. [illegible] elected, [illegible] have a purpose around him. This [illegible] that it had really nothing to do with any political [illegible]. In 1939 I was [illegible] for the purpose of [illegible] in the journey to the Sudetenland [illegible] that [illegible] all very [illegible] and [illegible] it [illegible] necessary. As the [illegible] I was at [illegible] [illegible] the Sudetenland [illegible] I thought everything was [illegible].

A. (continued) During this journey Hitrler told me about a very personal conflict in his life, and because of the tradition of my father asked me to help him in that task. I wouldn't want to give any hints about that event if I hadn't read so many untruths and bad things in newspaper reports. On the other hand this conflict is characteristic for Hitrler personally. On the other hand he was a person who had really no university education. He was areal stable man who just wasn't a student and who didn't know very much and who was in no way supreme. His entire imagination about family and children and everybody having to have children was based on that kind of personality. And, fate played a different game with him. He could have no children and never quite survived this conflict. At any rate, his son and his second daughter were born at Hohenlychen, were under my protection until April 1945, and that is why Hitrler under disguise of hospital inspectio came to us. And I had the duty to accept the oath of Hippocrates where the words can be applied on all sides - the duty of secrecy which does not only concern the relationship to the patient but also refers to everything which one may see around oneself. If it doesn't belong to one's sphere of duty one has to overlook it, at least one has to keep quiet about it and not take up any official position. I know exactly how difficult it is to see just where the limits are, but I may be permitted to describe the relationship to Hitrler, that just because of our close youth relationship - ever since our youth up to the time I became a professor I didn't need his protection and I didn't approved of his founding the SS. Furthermore, I may say that the SS Hitrler and the Sport had to come to me and had to ask me to negotiate for them in my sphere of activity. That, contrary to so many who throw themself around Hitrler, I kept far from that. The core of our relationship was that I was not his physician, I was not with him, during the days that he was healthy except during his short journey to Poland.

But, on the other hand I had to accompany him during one of the other dramatic incidents and that I took care of especially personal affairs of his, which have nothing to do with any political state of dependency, but made it very difficult for me to answer the question how I know him, why I know him, and who told me. Nobody at that time in 1939 know what the future will bring, how difficult the future will be. And, I therefore made this very clear agreement with Hitler as we thought it was. One thing absolutely, the duty of secrecy as it is prescribed by the order. I only concern myself with medical affairs and not with use the hours where he went to his wife and children to exercise any influence with him. On the other hand he attached a great value to appear to me to be a bourgois, knowing my connections abroad. And since he attached great value to the fact that the mother of his children would see him in that light.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

MR. BURDY: May it please the Tribunal, the Prosecution respectfully requests that the Court admonish the witness to confine himself to questions asked by defense counsel and be more concise in his answer. Furthermore, it is requested that defendant refrain from his lengthy speech making.

THE PRESIDENT: The Tribunal is not inclined to admonish the witness. Counsel may proceed.

KARL GEBHARDT - Resumed

CROSS-EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, in the indictment it is claimed that you had been the personal physician of Hitler. Is that correct?

A. No, I have never been his personal physician. I would be grateful to the Tribunal if it would permit me to describe the relationship in detail because by the use of phrases and brief descriptions so much injustice has also been heaped upon others and I therefore consider it my duty, in the interest of others, to clarify this matter. The word "personal" physician means that a physician constantly remains with the person he is taking care of and that he is paid by him, just like the personal physician of a king gets his salary from the king himself and he does not take care of any other patients, or only treats other patients with the approval of his master. However, this institution did not exist with Hitler, in any case it did not exist in this manner. It is shown that the influence which Hitler gave to his physicians has to be clarified. Hitler actually was against my medical influence and that was for a very remarkable reason.

his wife had been a senior nurse in a private clinic in Berlin from 1923 until 1933. At that clinic she had seen all the things which private clinics in a large city carry out with cosmetic operations, with abortions, and with cases where money was wrongly used, etc. The concept remained for a long time and it always appeared with Hitler that we, as medical men, considered our profession purely from the point of view of money, and for the duration he never kept a really fully trained physician at his side. The Finnish masseur physician was with him most of the time; this was a man who took care of him even in the days when he was healthy and he is what is commonly known abroad as a mesmerist -- a man who believes in influence which is given to him from another source -- and from the very beginning such a man will not have any understanding for the teaching of Medical Schools. During the war he finally made some concessions in that respect yet he was always influenced by mesmerism and homeopathy and always had a hostile attitude towards teachings of Medical Schools. In Munich he established the Bio-Chemical Institute under Fahrenkamp who certainly was a very clever heart specialist, but who was in a very difficult position because he was not fully Aryan, and for working under Hitler. Like people who are in such a difficult position, he certainly may have given him some false advice.

Q. I must interrupt you here, witness. The name of this physician who treated Hitler was Morsten ....

A. Yes, Morsten.

Q. And the bio-chemist in Munich was Dr. Fahrenkamp. It is the same person who has already been mentioned in the course of this trial and he was supposed to have been the only physician with such ideas in the German medical profession.

A. Yes, he was forced upon the German doctors and faced the

hostility of the whole medical profession in Germany.

Q. You are also accused of Count 4 in the indictment, that is, that you were a member in a criminal organization, if not the SS. You have already stated your point of view with regard to the oath of the SS. In view of this point in the indictment do you want to add anything to your previous statement?

A. I believe it is important to describe this manner of giving orders by Hitler and this manner of thinking which becomes transfered to the leaders SS through military channels. Hitler's personal position can be described in very few sentences. Every period of revolution has its typical so-called "second-man", who takes the whole odium of security on himself, just as Mussolini smiles and the Caliph carries it out. From his whole attitude Hitler was of the opinion that he was a General of the Order who had only one viewpoint and that was Adolf Hitler; that he kept this position so easily because he was the younger and it was probable that he would survive his chief. By careful camouflage he always managed to show every relationship in such a way that he always recieved directly the order from Hitler, or in any case from that direction. Now he had a strange scientific opinion based on political reasons in a State Ideal from Marxal to Lenin, from Stalin to Hitler, that the State in itself is the main object and that the individual has to subordinate himself to it. That Hitler added to this concept of State Virtue and State Order was that from an obscure agricultural and biological education in the country he did not think of the individual, but what I have called in my writings, the wisdom of race. The prerequisite of such a system of thinking as he and such an oath is that the order is sacred at the moment in which it is given, that is, that disarrangement can only

be expressed differently, but that in an almost hysterical war-preaching of the old concept of soldiering the writer has to be shocked once it has been given. Today I know the exact arguments which can be used against these forms of oath and obligations. I would therefore like to bring forth the objections through which the consequences and the incorrectness of this attitude have been proved.

Such an authoritative relationship could only be possible if the person who gives the orders is omniscient, and clearly bound to the moral concept. That is a conclusion at which we arrive today. However, at that time it just opposite, we didn't have any concept at all as to the way of giving orders, and we were told that we were given a clear arrangement. I am still of the opinion today that of course it would have been possible to adopt such a concept if one understood its false justification. At the time when the Night Watch came to the chance to work at Hohenlychen, I was unable to understand and that is because I was so far removed from any political activity in our co. However, on the other hand, I was still of the opinion that it is not so that at the very moment a war breaks out, viz. when unprovidently has an opportunity and development things and did not realize this conflict that one then suddenly has to face. I have seen so many people die and the charge that the courts always had a philosophical reason for their service if they didn't want to die. At the same moment I went into the field with the Waffen SS, I have tried to maintain my personal independence in the sense of positive criticism. However, on the other hand I have complied with the orders which were given, and I have demanded the same thing from all my subordinates, and that is why today I have to stand by this concept. However, it is something quite different if former SS-men somewhere should believe that the still SS existed with the obligations today, because as a result of the suicide of the commanders and the responsibility which they promised to their subordinates but did not take this form of the oath was carried to obscurity. At the end I will have an opportunity to show that I did everything that possible to surround with me, and on

one afternoon all the Generals of the Waffen SS would also surrender, so that we would vouch for it and our subordinates would be free of all responsibility. At the time I was the only one who wrote the letter to the English General.

Q. What were the various positions which you occupied within course of time within the medical service of the Waffen SS?

A. 1939 I had been alloted to Himmler's escort physician. This position was very important. It did not give us the right to intervene in any specialized field of work. We did not see anything of the medical activity, so that, just to contain the details which Karl Brandt had hinted, we made ourselves independent. The Brigade of Kaulsdorf was perhaps the only cavalry unit which with the assistance of injured charged modern weapons on the Upper Oder-Bern. That time Brandt and I, in the first certain operations at the Eastern Front, took care of the wounded. After all

of these unsatisfactory activities I applied to Himmler to establish something for the SS like a consulting physician or a specialist physician for the Waffen SS.

DR. SEIDL: May it please the Tribunal, in Volume II of my Document Book, there is an order by Himmler to the Defendant Gebhardt, which I shall now offer as an exhibit. I have the original of this order in my hand. In view of the fact that this order, and the contents of this brief order, are of importance for the further understanding the testimony, I request that I be given permission to read these few sentences into the record.

THE PRESIDENT: I understand this order has already been introduced in evidence?

DR. SEIDL: The document has not yet been offered. It will appear in Volume II of my Document Book as an exhibit. But now I only want to read the sentences.

THE PRESIDENT: I understand you intend to offer the document in evidence?

DR. SEIDL: Yes.

THE PRESIDENT: You may read the sentences from the document that you have in mind.

DR. SEIDL: I quote, from a letter of Mr. Karlin, the 17th of May, 194[illegible]. "I have ordered the medical professor, Dr. Karl Gebhardt, consulting surgeon to the Waffen SS, to clinically supervise the medical company, the medical service, the field and military hospitals, exclusively. For this purpose he is entitled to actively intervene with the medical corps, and the medical department, in consultation from nursing stations and medical [illegible] in case of any grave difficult in medical cases. As a medical consultant he is entitled to operative clinical consultation [illegible] the transport of highly qualified officers or intellectuals to Berlin, officers or men who are from the medical corps of Army Groups. The clinical reports have to be transmitted to the [illegible] medical officer [illegible] clinic and have in the hospitals of the Waffen SS. A biographical sur-

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Professor Gebhardt has been told not to interfere with hospital work beyond clinical decisions. All military authorities are requested to assist Obergruppenführer Professor Gebhardt and his staff. The Reichs Fuehrer and Chief of German Police." Signed "Heinrich Himmler." End of quotation.

Q. Witness, it seems to me in this order of Himmler the tasks are described which you carried out within the medical service of the Waffen SS, in the medical service in Dachau, is that correct?

A. It is correct. That this order

shows what would have corresponded to a desired activity under normal circumstances. This order shows how different conditions were with the Waffen SS compared to the Army, as to research medical officers and to their organized medical service. The Waffen SS went into the War with individual elite troops, and it can already be seen from the previous description; how unfortunate it was that they were employed at critical points with the Army, for the connection and contact in personnel and material, however, was so loose that it always was that the divisions of the Waffen SS always were rather badly supported. On the other hand it was very difficult to direct these units from above, because in the first years the divisions were not together but were distributed all over the front. The elite corps idea of recruitment is shown by the fact that those elite communities good volunteers were supplied with physicians who were relatively young, and did not have any experience from the last War. In addition to that, we who were the higher superiors in the Waffen SS, and that as Reich physician in the last War were more group officers that doctors, and also I myself and the experience in the Luftwaffe and German Navy and it from the Army. I made it my task to take care of the almost insurmountable difficulties providing medical supplies to the front, and attend to this matter in the Waffen SS. Therefore, you see in this order, I, unlike the consulting medical officers in the Army, did not travel around individually, but was traveling with a so-called Lehrstab, training staff, that I traveled from division with fully trained medical officers of all kinds, in order to supply this Waffen SS with the few divisions. Since, I myself looked for combat experience as a surgeon, I first of all went with the Army in the Prussian campaign Prussianed there with the Army and Waffen SS as combat surgeon in Belgium, in Holland and in France, until the time I was wounded, and thus I worked myself up from front medical officer to the division medical officer and consultant.

At the time I had the venture that from Hohenlychen, I had good contacts with the Army, the Luftwaffe and all the agencies, so that with admirably collaboration I was able to make my requests everywhere, and was able to obtain assistance for our young heroic troops who did not have any tradition. I therefore was not located anywhere in headquarters or my office in Berlin, but for six or eight months of the year I was at the front and then I was at Hohenlychen for at least three or four months in order to carry out my more important operations. In the meantime, I always went to the staff at headquarters with the worries and requests with which I was burdened.

. In your affidavit of the 12th of December, 1946, which was presented by the prosecution as exhibit 25, you stated that in August of 1943 the position of a chief clinical officer was established by you for the SS and police, and that from December 1, 1943, this position was taken over by you; what tasks did you have in your capacity as chief clinical officer.

A. We attempt to establish the position of a chief clinical officer, which was discontinued after several months, but the only purpose that it was used for was tactical at the front. I had experience, of the retreat from Pestov in 1941 or 1942, I have been in Italy at the time of the invasion of Tunis, and was also at Monte Cassino, and saw how impossible the medical supply was which was given to the Waffen SS, we were very closely connected with the Army at the time. Only for two decisions to decide; either, as we learned afterwards it was absolutely correct, that the Waffen SS was to be entirely absorbed by the Army and that the whole reduce out of personnel and material was to be routed via the Army. Himmler always opposed this idea, because he had the idea that his

Waffen SS should be independent in the future, and I shall come into this later.

On the other hand, when I came back from Danzig from a plane crash with other wounded, it could be seen what conditions were in practice with the Waffen SS. In the area from Kiev and further back to Berlin, two or three fighting Waffen SS divisions. The wounded, above all the officers, were not to be put out of the hands of the Waffen SS, and they were not to be lost to any other hospitals at home. It was practically impossible to carry out this order of Hitler. Behind these fighting divisions, we had various kinds of hospital installations of the SS. One SS consisted of frontline aid offices, and the Waffen SS in the course of the war became one of the biggest and strongest, however, at that time we also had the Main Office of the Police, with approximately one million people. It was much stronger than the Waffen SS and had a staff of 350 physicians. The surgeons who were there had already been tested in the first war and also during their practice in peace time.

In all the cities in the Uberland next to each other in alphabetical fashion street stations and detachments of police, police stations or control stations, and the Volkssturm detachments which were to take care of civilian matters. We also had Gau Grenzschutz units. On the whole, it can be seen that the Waffen SS had the material at its disposal, the police had the trained personnel, and the Volkssturm detachments had the best hospitals, which they had taken from the Russians. At that time, I suggested to my superior Himmler either to subordinate the entire Waffen SS to the Army or to turn over all the material to the Army, and this was

refused and disapproved by a decision of the Fuehrer, that the Waffen SS, the Police and the Volksdeutsche Mittelstelle, that is the three big main offices who were represented at the front and closely behind the front, should be coordinated in one clinical system. That was the reorganization discussion which Gonzalez already mentioned yesterday. In this respect, it was important for me that with each senior SS and Police Commander vis with the immediate representative of Himmler in the rear echelon, three in Russia, one for Belgium, one for France and one for Italy, one chief medical officer should be established, and that to him the whole material of the Waffen SS, the Police and all the formations within, was to be placed at his disposal, and I was to be in charge of this clinical Set-up. The prerequisite was that the police had to be brought over to this point of view first, and that Dr. Hock, one of our most experienced combat physicians should take over the office. So that through this union no differences should exist any more between the Waffen SS and the police. Then we were to establish jointly supply depots and hospitals and in this way we wanted to try to keep the more lightly wounded members of the Waffen SS as close as possible to the front without losing them by distributing them to various branches. I first established this in the Ukraine, when the collapse took place in Italy; I was called to Italy from the 12th September till Monte Cassino, about the end of October; then, in the meantime Dr. Hock, who was to carry out the reorganization in the police, he had succeeded in being transferred, back through Stuttgart. Of all these tactical experiments very little remained in existence. It is true that Greifelt used this reorganization in order to gain from his antagonism towards Gonzalez certain advantages, which had nothing whatever to do with my suggestion.

In the years 1944 and 1945 I was in quite a different position with the Army Group, which I have already mentioned.

Q. I believe that I have to correct two mistakes. You had previously mentioned the SS Main Office for Police and you apparently meant the SS Main Office for Order Police (Ordnungspolizei)

A. Yes.

Q. That is the regular police? (Ordnungspolizei)

A. Yes.

Q. And you agree with me if I tell you that there were only twelve offices, first you mentioned fourteen?

A. I do not know that exactly.

Q. And now something different, the Prosecution has mentioned as Exhibit 23 an organization chart for the time after 1 September 1943, this is document NO-417. This organizational chart is in Volume 1 of the Prosecution document book, I am going to send to you this organizational chart. In the organizational chart you have been listed in your capacity as chief medical officer on the staff of the Reichs Physician SS, and besides you the following are listed: the director of the Personal Office of the Reich Physician, that is defendant Poppendick; further the chief hygienist that is the defendant Gebhardt, then the chief dentist, the medical supply officer, and the chief of the office of statistics.

I am now asking you the following question; did a meeting of those persons Reichs Physician or without him ever take place?

A. No such meeting has ever taken place. Only I perhaps argue few words with regard to the plan. It is wrong to subordinate Brandt to Karl Brandt, because Brandt always only received orders from the Reichs Physician, with his special medical knowledge, was directly responsible to Hitler-Himmler and only by way of personal correspondence did he receive any directs. It has already been stated that not even he had at to issue instructions against concerning this. This medical staff of offices and this school was certainly not mentioned in this meeting. I have that upon my conscience, after I came directly from the front, the following were subordinate: Brandt and Karbach, and the secret Adjutant Gerhard Fischer, that the Hitler SS leader and police of the Wehrmacht, Mr. Brandt, who was in charge for this position in the control.

I know that I previously had told Himmler in a very clear manner, and at that time I already had Stalingrad behind me, Demyansk and Tunis, that with further improvisations and loose orders with regard to the supply system an unbearable crisis of confidence could take place, with regard to our wounded SS men. At the time Himmler, I believe, was impressed by my report from the front, and thus originated the chief clinical officer, who was to combine this clinical potential of front and rear echelon exactly as I directed with mention of just front and rear echelon.

It was important that the man who had the material, the quartermaster in the field, and the remaining men who were connected with their supply men at the front, viz. Gurowski, and the coordinating dentist were all set to help my attempts to finally make order there.

I cannot remember, but I believe that Grawitz, a considerable time later, handed me the same plan. I recall the name of Pergenfick, whom I never officially saw before or after; and the work with Gurowsky was always coordinated, as was the hygienist, and I was the clinical officer.

Q. How often did you meet Dr. Gurowsky for discussions in the course of the war?

A. I believe that he could substitute its various spheres as sharply as the medical profession. I have never underestimated the importance of hygiene at the front. However, I know, like every person who has worked at the front, how quick and how rapid the war was and how little suggestions, the individual notes kept up.

I can only remember that at the beginning Gurowsky gave a lecture at one time, and at the time I may have met him at the front. However, I do not know that. I am quite certain that I saw him at the urth meeting at Hohenlychen. Ge

was an active medical officer, and [illegible] this institute, was absolutely coordinated, of course, and I did not offer his own influence in his field. I personally did not have any contact with the bacteriologists at sanitarium.

Q. You therefore, in particular, did not have any discussions with him, the subject of which was medical experiments?

A. Quite certainly not.

Q. Will you please repeat that answer?

A. In no manner, and I have not seen Gruszewsky either in preparing the sulfonamide experiments.

Q. During the war did you have discussions with non-surgeons?

A. I certainly did not have any which discussed the preparation of experiments, certainly not any professional ones. Relationship was a close with many guests. I cannot remember having seen, for instance, Herr Rose anywhere or having conferred any day also in the entire bacteriological field. I have very rigid [illegible] at the front, but only within his field of tasks.

For example, didn't you ever have any discussions with Professor Hirt or Professor Gildemeister?

A. No.

Q. In the order of Himmler which I have already read, front surgeons are mentioned, and you yourself were in charge of them. Did this activity prove its value during the other campaigns and did you also carry it out?

A. I have already mentioned that our emergency situation was in contrast to that of the army. From the very [illegible] training we only had very young surgeons. Later on the SS [illegible] very low opinion of matters, so we not only had very young but we also had very few surgeons, and it had been a [illegible] practice that

wherever the offices were to be expected an additional surgical group which was led by me was used, so that in Africa with every collapse and with every retreat, I was always constantly being used.

Q. Witness, tomorrow we shall discuss the sulfonamide experiments. As a final question for today I would like to tell you the following and I request you to answer the following question. During the war what were your contacts with Himmler, especially with regard to any medical influence, and in view of the experiments which here were the subject of the proceedings?

A. I shall openly state whatever I know at this time, whatever I know with regard to the experiments and Himmler. However, quite independent from this very I shortly mentioned, outside of being escort physician in Poland, I have not spent a longer period of time with Himmler, with the exception that during the last few weeks Himmler was so lonely that he was together with me with the British occupation troops.

In the meantime my activity was divided between the front and Hohenlychen. I had a very independent position in the sense that I was in a very good personal relationship to Genaken, and I did everything in order to keep Genaken in his position because he was taking good care of the Waffen SS.

On the other hand I took everything away from him at the front which he was unable to supervise, and I tried at first to give orders from outside the Army, and then as the need and danger grew, to supply the frontal troops from within the Army as fast I could. I went to Himmler from the family of Himmler from the front, or from Hohenlychen, whenever it was possible for me, and I believe that I was the man who gave him the most honest reports about tendencies morale, and the situation at the front, and I was able to give him the most honest and thruthful information.

However, it was not so that he helped me but that I helped the SS and that generally I always came on my own initiative, and that I reported to him on my own initiative about any special situation. I then spent one or two days at the headquarters. Himmler's working procedure was so that he received persons individually and as soon as some other person was present I purposely never explained the connection to Himmler, because next to Hippocrates Frederic the Great was his saint and he had his Testament, and in the testament of Frederic the Great it is stated, it is important for an order that one does not let his intentions be recognized, so that the subordinate will not bring his report in accord with the desired effect.

I believe that this was one of the main principles in the life of Himmler; that is, how to handle us. May I perhaps say a word in conclusion which I wanted to hand it some one or other, which is his good part or his disaster; that is Himmler believes everything at the moment he speaks it, and all persons believe Himmler, what he is saying.

DR. SIEDL: May it please the Tribunal, in view of the fact that now we come to a new century that is, in a different experiments, I request that perhaps the session may be adjourned and recessed.

THE PRESIDENT: The Tribunal will be in recess until 0930 tomorrow morning.

(The Tribunal adjourned until 5 March 1947 at 0930 hours.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 5

Target 3

Volume 12

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS
NÜRNBERG

CASE No. 1 TRIBUNAL I

U.S. vs KARL BRANDT et al

VOLUME 12

TRANSCRIPTS

(English)

5–11 March 1947 pp. 3982–4375

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 5 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all the defendants are present in court with the exception of the defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all defendants in the courtroom save the defendant Oberheuser, who is absent by excuse of the Tribunal because of her illness.

Counsel may proceed.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL (Counsel for the defendants Gebhardt and Fischer):

DR. SEIDL: Mr. President, in order to supplement what the defendant Dr. Karl Gebhardt said on the witness stand yesterday, with reference to his relations to Reichsfuehrer SS Himmler, I shall submit two affidavits which are contained in my document book. The first is an affidavit from SS Brigade Leader and Medical Officer, Dr. Oskar Hick, dated 17 January 1947, and it is on page 67 of the document book. I submit this affidavit as Exhibit Gebhardt No. [illegible], and I quote:

"Affidavit. I, Dr. Oskar Hick, born 21 January 1898, at present in [illegible] Munich, have been advised that a false affidavit will subject me to legal prosecution. I declare on oath that my statements are true and were made in order to be submitted as evidence to the Military Court No. 1 in the Palace of Justice in Nuernberg, Germany.

"Personal Data: Dr. Oskar Hick, born 21 January 1898 in Bebenhausen/

Hessis, finally SS-Brigadefuehrer and Corpsarzt with an armored corps of the Waffen SS.

"Relevant Facts: By request of the defense counsel of the defendant Dr. Karl Gebhardt I state the following:

"On 1 September 1943, in spite of my strong resistance, I was appointed Chief of the Medical Service of the uniformed regular police, an office which up to that time had always been occupied by a police doctor. Some weeks before Gebhardt had informed me by phone that on the occasion of the ordered change he would suggest me.

"Simultaneously with my appointment Himmler ordered Gebhardt to assist me in his capacity as chief physician. Nevertheless, during the time I held this office, which was only a few months, he never appeared, presumably because duty and visits to the front prevented him from so doing.

"Previously I had only met Gebhardt on one of his visits to the front. In July 1942 he paid a visit to my division which, at that time, was engaged in heavy fighting in Russia.

"I was division surgeon. When a great number of wounded soldiers had to be brought through very dangerous territory, he was able, by virtue of his well-known personality to arrange for their speedy billeting and treatment in field hospitals. Because of the impression received from this front visit, he quickly sent me a group of surgeons with Stumpfegger as chief, which worked with the division for about six weeks. As far as I heard later on, Stumpfegger was with Himmler from 1942 onwards. I would like to add that after a short time I was relieved from offices as chief of the medical service of the uniformed regular police through the intervention of Dr. Stumpfegger, at that time Himmler's accompanying physician. I had requested Dr. Stumpfegger to do this. Nuernberg, 17 January 1947 (signed) Dr. Oskar Rock"

and after that follows the certificate of the affidavit.

As Exhibit Gebhardt No. 6 I wish to submit an affidavit from the former Chief Adjutant to the Reichsfuehrer Himmler SS on behalf of the

document book and I quote:

"Affidavit. I, Werner Grothmann, born on 23 August 1915 at Frankfurt am Main, last SS-Obersturmbannführer in the Waffen SS and Chief Adjutant to Reichsführer of the SS Himmler, interned in the British Occupation Internment Camp at Fallingbostel, at present in the military prison at Nuernberg, have been warned that I render myself liable to punishment if I submit a false affidavit. I declare under oath that my statement is true and was made for the purpose of being submitted as evidence to the Military Court No. 1 at the Palace of Justice, Nuernberg, Germany.

"On the Subject: From 1940 to 1945 I was Adjutant to Reichsführer of the SS Himmler. Since 1943 as Adjutant I was entrusted with the handling of military matters in Himmler's staff. As such, I am in the position to testify about the general organization of the Field Headquarters (Himmlers' Headquarters). Reports of a military character were submitted to Himmler through me; matters concerning police affairs were submitted through Lt. Col of the Police Suchanek; the handling of incoming and outgoing mail for Himmler was exclusively in the charge of Dr. Rudolf Brandt, Himmler's personal adviser. Himmler himself ordered persons to attend conferences with him. He always conducted these conferences alone with the persons concerned, i.e. without Brandt, Suchanek, or myself being present. Information regarding the subject of the conferences was usually not given by Himmler.

"At any time the physicians on Himmler's staff were the well known chiropractor Dr. Gerstan, who, during his presence at headquarters, treated Himmler daily; furthermore, the so-called "permanent escort physician", who attended trips to the front and who was also responsible for the medical care of the personnel of the Field Headquarters; from 1941 to 1942, Dr. Wittmann was escorting physician, and from 1942 to the autumn of 1944 it was Dr. Stumpfegger, and from the autumn of 1944 up to the armistice it was Dr. Mueller.

"During my assignment as adjutant to Himmler, Prof. Gebhardt held the position of consulting surgeon of the Waffen-SS which he also performed operations. Furthermore, Prof. Gebhardt was also chief physician at Hohenlychen at that time; Himmler visited Hohenlychen approximately two or three times a year. He used the opportunity, especially around Christmas, to visit the wounded and also to see his two children, who lived at Hohenlychen, later in the vicinity. Dr. Gebhardt's visits to Himmler's headquarters during my period of office as adjutant (from 1940-1945) usually lasted just a few days; the announcement of his visit usually came through me, without giving any reasons. I have never attended any conferences between Himmler and Gebhardt. As far as I remember, only Himmler and Gebhardt were present at these conferences, following Himmler's custom. Neither Himmler nor Gebhardt informed me even afterwards about the subject of these discussions. In respect of his collaborators, too, Himmler obeyed the Fuehrer's command concerning secrecy, which permitted information to be given only to the extent necessary for the execution of certain duties by the persons concerned. In conversations in the presence of several people, as for example discussions at the table, only those matters were

discuss of which were not subject to secrecy. In addition to the above mentioned tete-a-tete conferences between Hitler and Gebhardt I only remember one conference at which besides Professor Gebhardt also Professor Grawitz was ordered to appear. The subject of this conference, too, remained unknown to me. Frequent conferences or conferences at regular intervals between Hitler and several SS-Physicians together never took place in my time.

"In addition to his activities already mentioned, Professor Dr. Gebhardt, since autumn 1944 to my knowledge was Heeresgruppenarzt (Army Group Medical Officer) with the Army-Group Rhein, since January 1945, Heeresgruppenarzt with the Army-Group Weichsel.

"Nurnberg, 27 January 1947"

And then follows the signature and the certificate of the document.

Mr. President, Your Honors, before questioning the defendant regarding sulfanilamide experiments I should like your permission to submit a few documents dealing with the subject of these experiments and which have already repeatedly been mentioned in the course of submission of evidence. The first document of this type which I wish to submit is a document you will find on page 1 of the document book. It is a report on the first Working Meeting that which was held 18-19 May 1943 at the Military Medical Academy at Berlin. I wish to submit this report, or rather the excerpts from it, as Exhibit Gebhardt No. 6.

THE PRESIDENT: Counsel, you did not assign a number to the last exhibit which you offered. That will be Gebhardt Exhibit No. 5, the affidavit of Werner Grothmann. You did not mention that number

DR. SEIDL: Mr. President, the last exhibit was number 5.

I beg your pardon. And this extract from it is meeting which had taken place in May, this meeting which was the meeting of the Staff of Consulting Specialists, will be Exhibit No. 6.

MR. MURPHY: May it please the Court, recently the Tribunal ruled that any document that had been put into evidence by the Prosecution would not be put into evidence by the Defense and bear another exhibit number. These documents which Dr. Seidl has been referring to have already been admitted and bear exhibit numbers of Prosecution -- and I don't think it necessary.

JUDGE SPRING: Has it already been admitted in full with the same completeness that Dr. Seidl has?

MR. MURPHY: In this particular instance I don't believe we have introduced various excerpts. I don't know which excerpts he is referring to now, but I imagine the same ones we have introduced.

DR. SEIDL: Mr. President, with reference to this I would like to say the following. In the course of submission of evidence, that is to say, when Prosecution was [illegible] on the Defense in this case, the Attorney for the defendant Milch, lost, made the suggestion that Prosecution should submit these minutes - these reports of these meetings -- in entirety. That application was refused - the reason being that the reports on these conferences, summarized in books known to the Tribunal, were too voluminous. The Prosecution only submitted extracts, very short ones at that. The extracts which I intend to submit now, with the exception of one brief [illegible], have not been submitted. Considering that the extracts submitted by the Prosecution and those which I propose to submit have an inner internal connections, I am of the opinion that it would be suitable that exhibits of the defense should be given their own in open and number that here,

in my opinion, we are only concerned with a technical question, the question of only designating documents. - , since the Tribunal has expressly granted the right to defense that all extracts of these conferences may be submitted, such as will be important as evidence to the defense, I am of course prepared to submit this extract under an exhibit number which is suggested by the Prosecution. This appears to me to be a very inferior technical

question, really.

THE PRESIDENT: How many pages of your document book, counsel, are covered by this exhibit? The English document book furnished the Tribunal do not carry the number of the exhibits, the documents, offered by your client.

DR. SEIDL: The document numbers are contained in the index on the first page. Further I am going to submit three extracts. That is, one about the conference of May 1942, pages 1-19 of the Document Book. Secondly, an extract with reference to the second meeting in November 1942, that is page 14-21. And, thirdly, an extract dealing with the third conference taking place in May 1943, page 22 to 32 of the Document Book.

THE PRESIDENT: Do you expect to read this entire nineteen pages into the record?

DR. SEIDL: I would not propose to read all of these nineteen pages, just individual extracts which appeared to me to be particularly important.

JUDGE SHERING: Doctor, what is the purpose of this tender?

DR. SEIDL: The purpose of these exhibits is the following: The defendant Gebhardt, and the two other defendants which I represent, have carried out sulfanilamide experiments which they do not deny. If such evidence was submitted earlier it had been mentioned repeatedly or questioned repeatedly, first, whether these experiments were necessary; secondly, whether if they were necessary to what extent effectiveness of the sulfanilamide experiments was tested in military and civilian medical circles in Germany; and, thirdly, what the contents of the speech of Professor Rostock in the conference were; fourth, what the outcome of the experiments was; and fifth, what opinions were voiced in the discussion with reference to that question, the discussion which took place during these various conferences. I am now talking about factual and legal questions. These are very relevant, indeed, so much so in my opinion extracts from these reports should be submitted. All the more as because Prosecution on their part have already submitted extracts on behalf of some importance and, since consideration of such extracts by Prosecution alone were not fair to give the suitable picture of the trial, but in the sense of an incorrect picture.

JUDGE SHERING: Is it your theory that these reports will, when

supplemented by such portions of the reports which Prosecution has submitted, give color to the whole series of experiments and tend to show with completeness the over-all aspect of that convention or meeting. Is that the point? In other words, as I understand the Prosecution, they have submitted portions of the report to show not only the defendants Gebhardt and Fisher had conducted experiments on human beings in an illegal fashion, but that almost anyone in attendance at the conference could have clearly ascertained by hearing the reports that the experiments were in fact illegal. I understand that is the position of Prosecution. Now, then you are submitting these report for the purpose of showing an over-all complex of the meeting and to show in completeness what actually transpired?

DR. SEIDL: The purpose of these documents is not that of showing whether other participants in the conference, particularly with reference to the responsibility of these experiments, could form a picture about that. But the purpose, as the Tribunal has just stated, is to present the entire context statement between the individual sections, conferences, and I believe it essential this should be done in order to back the statements made by the defendants on the witness stand and give the essential background there.

DR. HARDY: I might call to the attention of the Tribunal that the extract submitted by Prosecution was an extract of the 1943 conference, and this extract is of the 1942 conference.

THE PRESIDENT: The document offered by counsel will be received in evidence. I understand that counsel will read into the record only those parts deemed particularly pertinent. Now this document apparently ends on page 13. While the documents are numbered in the index they are not numbered throughout the book which makes it a little difficult for the Tribunal to see where one document begins and another ends. That requires examination of the index.

DR. SEIDL: The first document starts on page 1 - finishes on page 13.

THE PRESIDENT: On which page?

DR. SEIDL: Page 13.

JUDGE BEERING: Which one are you now offering?

DR. SATZL: I am speaking of the document which deals with the first conference - the Eastern conference of consulting specialists on the 18th and 19th of May, 1942, beginning on Page 1 of the document book. The [illegible] has already been dealt with by Dr. Handloser's defense counsel and presented to the Tribunal, so I can refer to it. Then on page 2 there is a lecture, which has been mentioned repeatedly, given by Professor Dr. Rostock, parts of which I propose to read into the record. I quote:

"IV. CHEMOTHERAPY OF WOUND INFECTIONS. - Lecture by Oberstabsarzt Professor Rostock.

"Chemotherapy of the wound is ancient science. Each war has changed the old question and brought it forward again to the contemporary standard of scientific knowledge.

"My statements are not intended to give a summary of the previous results, but are intended to sum up briefly what practical knowledge we have, and are to form the basis for a discussion.

"A new method in the application of sulfonamides, now in the center of interest, is that they are not applied locally to the wound, but are introduced generally into the body either enterally or parenterally to spread their effect in this way. The fact that some drugs are intended specifically against various bacteria and against the diseases caused by them is also new to science. The success of sulfonamide treatment with pneumonia, gonorrhea, epidemic meningitis and perhaps with erysipelas cannot be denied. We are not concerned with these diseases here. We only want to deal with wound diseases (tetanus, gas edema) and with wound infections.

"We know that sulfonamides are ineffective against tetanus. Their effectiveness with regard to gas edema is under discussion, and has so far, not been clarified. Perhaps this is partly due to the fact that true gas edema, which is caused by the three known viruses, is not always distinguished from the essentially mild gas phlegmons.

"With regard to the treatment of wound infection local application is in the foreground of interest today, not the enteral and parenteral

introduction. Previous results have been judged in different ways. Brunner has even dared treat peacetime injuries which were contaminated locally with sulfonamides and then suturing the wound without previously making a wound excision. Schreuss has highly praised the 'wide-spread effectiveness' of the drugs. Kirschner and his assistants have doubted its effectiveness. They have tried to prove, by experiments, that jodoform is superior to sulfonamides when applied locally to wounds.

"The explanation of the method of operation with these drugs is of vital importance to our knowledge. In former times, it was believed that disinfecting drugs for wounds had a special effect on the vitality of the bacteria and the generally known conclusion was reached that all the drugs used were more likely to kill the cells of the wound than the bacteria introduced into it. Sulfonamides are said to have a different effect. It has been claimed (Houkner) that only with the tissue of the body, do they form effective materials, the nature of which is not known in detail. On the other hand, it has been claimed that the drugs create a so-called defensive tissue in the wounds. Other researchers believe that the drugs facilitate the phagocytosis of the bacteria. The fact, that necrotic tissues, and their products of catabolism in the wound, are obstructive to the effects of the remedy is an important one.

"The determination of the method of operation with sulfonamides is of fundamental importance with regard to its practical application and this basic research is therefore urgent. I can create the material basis for such research at my clinic if the necessary patient material is provided and if suitable physicians interested in research are made available.

"For collecting clinical experience, it is necessary that the individual bacteria strains react differently. The drugs are more effective in vivo than in vitro (Brunner). The wound bacteria can be arranged as follows with regard to their increasing resistance to sulfonamides:

pneumococci

streptococci

coli

proteus

procyanase

staphylococci

"The place held by the most important viruses of the gas edema in this series is being discussed.

"If we try to determine the aim and method of clinical experiment, the following deductions can be made:

"The most important thing appears to be the examination of the method of operation of local application to the wounds of sulfonamides, but the operative treatment of the wound must not be forgotten in any way. It remains the basis of our procedure with practical chemotherapy as well, because necrosis of the wound area do considerably restrict the effect of sulfonamides. The great danger of chemotherapy is that it may lead physicians who are not very careful to negligence when carrying out the operative treatment of the wounds, because considerable hope is placed in chemotherapy.

"In the experiment, similar series can be created, that is research work can be done exactly as Hirschner requested in his controversy with Schrauss. At the sick bed, the opinion of the specialist decides the procedure.

"Secondly, the effect of a general introduction into the body of a drug would have to be examined. The effects of a local application will probably be inferior. Such a general application for brain wounds has a certain importance, as there is no blood liquor level for sulfonamides.

"When the issue was discussed, it was decided to base it fundamental on the concentration of the drug in the blood (5 to 10 milligrams - in serious cases 20 milligrams), and on its excretion in the urine. This may be necessary in a scientific experiment. This criterion can, however, not be applied in practical war work. We must look for simpler basic indicators.

"As usual with sulfonamides, we shall not continuously apply it locally, but now and then for several days on end. We shall powder the drug into

[illegible] wound by means of a powder blower or a powder caster after the wound has been examined, and report this at the next change of dressing. On the days between the changes of dressing the drug is to be administered orally. The intravenous administration cannot be carried out at the height of the war."

As for the remainder of this lecture, I beg the Tribunal to take judicial notice of it and I pass on to page 7 of the document book dealing with the discussion of this lecture and I shall merely refer to statements which came up in the discussion, in this case by Professor Krueger. Professor Krueger was working in Breslau - I beg your pardon, I have to correct myself - it was Berlin, and what he said was this. In connection with this, I should add distinctly that this discussion, as well as the lecture itself given by Professor Zoetock, took place before the carrying out of the experiments made by Fischer and Gebhardt, and now I quote Professor Krueger:

"Very favorable evaluation of sulfonamide prophylaxis though only on the basis of clinical observations. (brain abscess without meningitis, [illegible] shot wounds without empyema, etc.) (5000 cases)."

[illegible] that, Professor Stuertzbach spoke. Where Professor Krueger praised the effects of sulfonamide, Geheimrat Stuertzbach, on the other hand, was very skeptical of it. I quote:

"Rather such criticism and [illegible] abscess of the conditions in the civilian [illegible]. During the World War the same results were based [illegible] with trusts, drainage etc. The practice will the surgical work not lead to superficiality. We should, however, examine this critically [illegible] talk of exploitation and [illegible] into the hands of surgeons who know general surgery."

On Page [illegible], Professor Kruger also had something to say, and I quote from his statement:

"I agree essentially to what Mr. Zoetock has said. At the suggestion of our army physician, General-Stabsarzt Dr. Gebhardt, we carried out [illegible] treatment with sulfonamide among our troops since August of last year,

especially on cases of gangrene, and we have made a number of observations where this remedy was administered orally as well as applied locally. In these cases it also proved to be effective. Nevertheless I should like to say that no final opinion on the effect of these preparations can be made as yet. Although we have heard some enthusiastic opinions concerning this preparation and therapy, in many places where good results were reported, especially by surgeons, we have also heard of other cases when it was applied orally or locally when it completely failed to have any effect. This cannot be seen completely at first sight. The main reason is that in the case of gas edema, we do not have a pure infection with a strain of bacteria, but a mixed infection; whereas these preparations are always tried on special cases, for instance, the serum on Bacillus bacilli (anaerobic anthrax bacilli) which are of little importance in cases of gangrenous infections, while the Fraenkel and Novysch bacilli are only considered of primary importance. Moreover by a pure application of these preparations, we met with so little success that we stopped using them immediately, and active surgical treatment was carried out. The important result, as Dr. Rostock has also told us, is that surgical operations are the most important in cases of gangrene and will probably remain so."

Then the final speaker in this discussion whom I wish to quote was Professor Gins. You will find this on page 10 of the document book. Professor Gins is a bacteriologist and a professor at the Robert Koch Institute at Berlin. I quote him:

"A short contribution to the problem of chemotherapeutical animal experiments. From what we have seen, for instance from the experiments which took place under my direction, none of the preparations used had any recognizable effect. Neither prontosil nor prontosolbin showed anything similar. None of the animals remained alive after sulfanil and uscudin had been applied. Similar results were observed with sulfanil and sirun, the so-called new sulfonamides which had been put at our disposal by the German Bayer Plants. Of this last group, we can

say finally: no indications of a special effect resulting from local administration were shown in animal experiments.

"New experiments were finally made with Katoxin, which at that time were very hopefully recommended. This is a preparation, the effect of which comes from a combined oligodynamic silver effect and a protractedly [illegible] effect. The first experiments conducted by the Katoxin Company itself, appeared very hopeful.

Part I

"Later tests conducted by the work group of the Katoxin Company, here in the academy under my direction, likewise appeared to be very promising and were, in addition, a very interesting contribution to the psychology of animal experiments. In one series of experiments, in which the katoxin preparations was used partly on letters A and partly on letters D, all animals belonging to group A remained alive while all animals of group D died. (Laughter.) --

"Particular attention should be drawn to the fact that such things do happen. It was not possible to find any form of dishonesty in the performance of the experiments. Everything was completely under control. Any suspicion that somebody was not honest can therefore be eliminated. I am only quoting this to prove how careful one must be in order to get sound results. The experiments has shown that katoxin does not act differently to other sulfonamides.

"If we have a suggestion to make, therefore, it is a suggestion somewhat similar to that already made by the clinical physicians: The fact that a guinea pig is not a human being must always be taken into consideration, and if the tests have proved that preparations which affect the tissue will not do any harm, it is worth considering carrying out more intensive experiments with this preparation. From our point of view, we could not generally recommend the application of certain preparations, but we could recommend the application of certain preparations, but we could recommend a clinical test using the same groups and considering what Dr. Rostock has said. If this is done maybe we shall see that sulfonamides, perhaps even katoxin, when applied in certain ways or in certain cases, may now and then be successful.

"I would suggest including katoxin in these tests, on the condition of course, that you do not expect too much of it."

As far as the rest of the report of this conference is concerned I shall ask the Tribunal to take judicial notice and I shall pass on to page 13 of the

document, an extract on the Second Conference East (Arbeitstagung-Ost) of the Consulting Physicians, taking place on November 30 to December 30, 1942. This will be Exhibit Gebhardt No. 7. As for the Professor Warbrand's lecture is concerned...

MR. McHANEY: If the Tribunal please, the Prosecution has no particular objection to these documents being submitted in evidence and we would agree to have the submitting of these extended into the record but I must object to the reading at great length of these reports. The Prosecution is perfectly willing to concede that German medical experts felt that there were open problems in the field that German medical experts felt that there were open problems in the field of sulfanilamide; that is all I take it that these documents purport to prove and I suggest that we proceed with the examination of the witness. In any event it is not necessary to read them aloud in court if he is going to base his questions on them. The witness now on the stand is perfectly familiar with them and he can direct his questions.

DR. SEIDL: Mr. President, I did not initially intend to quote too much from Exhibit Gebhardt No. 7. As far as I myself was concerned I was going to ask the Tribunal to take judicial notice of it. They were merely a few short statements coming up during the discussion which I proposed to read; they can be found on page 13 of the document book, as well as page 19.

THE PRESIDENT: Counsel may read these extracts from the documents but not take up too much time. Document will be admitted into evidence as Gebhardt Exhibit No. 7. Counsel should use discretion in reading from the document on account of the time it takes to read it.

DR. SEIDL: Well, then, I shall quote from page 16 of the document book, statements made by Professor Krueger during the discussion, as well as Professor Schulze and Professor Schmidt. The reason I am doing so is because these statements seem to describe the situation at the time rather well. I quote:

"KRUEGER recommends the use of sulfonamides especially for abdominal wounds: he believes that the good results he obtained (of almost

1000 cases with abdominal wounds, including the patients who died in the rear hospitals, 55% were cured) are to be ascribed to the effect of the sulfonamides.

"Dr. SCHULZE also warmly advocates the treatment with sulfonamides.

" PROF. SCHMIDT rejects the intraperitoneal treatment with sulfonamides. 7 different surgeons cured 50% of the cases without this method, although under conditions which equalled those of peacetime."

Then I pass on to page 19 of the Document book and from there I quote statements made by Professors Krueger and Krauss. I quote:

"Krueger recommends the use of sulfonamides also in the case of non gun shot wounds of the lungs. The mortality of about 100 cases of gun shot wounds of the lungs amounted to 12.6%, including the patients who died later on in general hospitals."

"Professor Krauss has not found any decisive influence on gun shot wounds of the lungs by the use of sulfonamides."

As far as the speech made by Professor Lehmann is concerned, which is found on page 20 of the document book, I ask the Tribunal to take judicial notice of this. This would then conclude the succession of documents at this stage of the proceedings and I ask permission to be allowed to continue with the examination of Defendant Dr. Gebhardt.

BY DR. SEIDL:

Q. Witness, the Prosecution in the course of their submissions evidence with reference to the sulfonamide experiments, called experimental subjects as witnesses. Before going into the details of these experiments may I ask you to tell me how you stand, in principle, with reference to these special experiments carried out on human beings?

A. May I take the liberty of making an introductory remark? I shall be brief with it and actually I shall only touch upon the important points raised by the Prosecution, which I shall summarize. From there I shall pass on to the very different attitude adopted by me and to the necessity which I consider exists relating to a different type of evidence which should be

submitted.

The Prosecution places this experiment right in the center of these proceedings and derives from it the following 4 points: 1), that a soldier, no matter, be considered a criminal because he came from the SS, or not obeying an order, whether the jurisdiction of the order be recognized or not. 2), that on the other hand where I, as a doctor, have a choice of action, I should be particularly defamed, and the Prosecutionwas underlining the original individual attitude adopted by Defendant Gebhardt and I was being accused that within the framework of this order I had acted negligently, unscientifically, and without achieving any special particular results. It was also considered that the criminal parts of my nature, that is to say, the moral insanity was recognizable in the pitiless carrying out of these experiments and my general attitude. In point 4 the prosecution goes even one step further. They say, -- and don't forget that they are Jewsen, and I shall go into the scientific part of what they said in more detail -- they said that any value of this work for the wider part of humanity did not exist. The Prosecution denied it.

You all know that the discussions not only conceived at this moment are exactly in reverse; in other words, important doctors, such as, for instance, the personal physician of His Majesty the King of England, are representing the right even if we are criminals and even if the carrying out of those experiments was criminal, then the work would have one last medical value if the general public were placed in a position to receive the benefits of the results of these experiments. Without passion, just as though judging a doctor's thesis, I shall make every effort to deal with those 4 points put up by the Prosecution. But even now I should like to take the liberty of underlining one basic difference. Even if at present I am not able to find any human or scientific value, there is here one specialist here now who has dealt with gangrene infections for 12 years and who, therefore, as far as judging the progress of such disease and the therapeutical effects of such an infection is concerned, has made this a special field and has become a specialist on that subject to a much larger extent than anyone in this room. I should

like also to ask the Tribunal to give me a chance of dealing with this so-important part of the work of German and foreign scientists in Dachau. The final exploitation of our work could be facilitated inasfar as the haze of semi-medical ideas and wrongly applied medical expressions as well as evidence showing facts in distorted fashion can be rectified by me as an expert, so that any one reading the record years after our death would be in a position to judge the particular experiment in question, something which up to now is impossible, and I would like to suggest that it may or may not be by design that a haze is being created here, or whether it is merely because of the inefficiency of the layman that it has happened.

At any rate on this point I am back in the same situation, something which I should like to underline, and where I found myself before, namely, someone is attacking me, a layman who is saying he can pass judgment, who has no idea of the progress of an infectious disease, or what death and dying of the gas gangrene; that I should answer this layman, not on my behalf, but on behalf of the public, and put him in his place. Another words, the fact implicates me legally, and I am well represented by myself since I am assuming responsibility for that. The incredible impression which we have received has been achieved by a minor optical trick. Without knowledge of the contents and procedure, four women deeply mourned by me were brought for demonstration to this Tribunal, and of course that caused the pity of every decent spectator, and then an expert of the size of Professor Alexander added his comment, but I myself was kindly instructed by him that he did not consider himself the expert of this Tribunal, and therefore did not consider himself above that in this Court Room, but that it was merely the advisable facts which he was presenting, and that as the representative expert of the prosecution he was giving the assistance which we saw him give in this Court Room. Furthermore, Professor Alexander was fair and decent enough to state expressly that he was making every effort to restrain himself to his opinions as an expert, but that then he was inspired with a hate against each and every German until the collapse, for which he had every reason. It is important to base one's thought on this. Now, here is my comment, the selection of the four witnesses produced in this case was essential and possible since the 60 experimental persons, mostly through my assistance and collaboration simultaneously with the patients at Hohenlychen were transported with a car from a Swedish Commission with which they arrived at the German Danish border, so that I made it possible that this evidence could be summarized, and without any secrecy it was possible to choose the most scientifically founded and present them here in Court. Furthermore, may I point out that it is internationally known to Courts that the fatality in gas gangrene cases lies between 30 to 40 percent, also that you still usually add 20 percent of

seriously wounded came to this, so that you must also consider the amputations or wounded joints. May I state in connection with my scientific statement that fatalities in our series of experiments amounted to 5 to 6 per cent; and that no permanent damage resulted to anyone in this connection. May I add that there was a skilful mixing of cosmetic pictures with functional results, something which I as an expert of 20 years standing, wish to point out particularly strongly. As far as my lack of sympathy, and pity is concerned, I should like to say it is rather questionable to say to what extent a medical officer and doctor is in a position to express his pity to a prisoner by means of words. I was medical officer of the American camp at Hersbruck. I should add that there I had an opportunity to deal with open tuberculosis, cancer, and other diseased persons greatly in need of medical treatment. The American medical officer of the camp wasn't in a position to express his sympathy in words either, but in a fair and therapeutical way he has taken care of that emergency. I, as an old doctor, object to the description, of pity and journalistic representation accorded to them, that it is to be shown by word, and is only a pose, and I state it is the therapeutical action taken by the doctor, and finally I shall have to deal with the statement that the results of these experiments had been so negative; and I shall first of all deal with conditions at the front, because I can quite see that people who have never seen emergencies, worries and the dying of soldiers must be unable to pass any kind of judgment in this connection, judgment on a conflict of this type and judgment on what should be done to save thousands, and what should be left undone. When we were captured we had two possibilities, we could commit suicide as cowards and shoot ourselves; or we had the presence to choose the trial to be charged and executed. The majority among us were in dubbin, assuming there would be the best understanding to it toward a surrender in a Totalitarian country. And again might I say that deliberately and with all my possibilities of submitting evidence I voluntarily surrendered to the British and American Tribunal, and I should also like to state additionally that one thing which

was not taken care of when my reputation was murdered here and that I be in [illegible] on in comparison to the other defendants, insofar at least that in the spring of 1944, as noted already, I was dealt with by a Court of the Polish-British exile government in connection with the sulphanilamide experiments and sentenced to death by it, and that I did not do anything at all to remove either documents or witnesses, but went to the British zone of occupation deliberately, in spite of it. I think that even the last reference to personal to coordinate and must have been dealt with by my defense, namely that we carried these experiments only because we were afraid of our lives and afraid of going into concentration camps, and that was contradicted.

Q. Witness, we shall have to come to the basic idea behind these experiments, when you were advisory physician to the Waffen SS in the winter of 1941 and 1942 and you went to the Eastern Front, and what were the experiences you gained there?

... I shall deal with the basic plan of the Russian war very briefly, I shall summarize it generally. I should like to point out to the Tribunal that my activities in 1942, that is to say before the collapse of our front in the winter of 1941 to 1942, were carried out when I myself with two groups of surgeons observed the entire misery of the situation.

All along the Russian front right down to Rostov, the final outcome of it can be traced to the time. I was the first person who was taking objective reports back from Stalingrad. The particular weight of this must be placed on the fact that I was a personal friend of General Paulus, so I certainly had a way to judge the degree, the extent of the German catastrophy.

May I deal with the conception of winter war in the east? Let this High Tribunal be convinced that both in connection with this affair, as well as all other experiments carried out by me, far be it from me to criticize my allied power in any way. Just during the war I represented the simple point of view that victory does not prove if you slander the opponent and that once one failure cannot be excused any more officially if you blame anybody else.

The Russian winter war was such that it put soldiers before tasks which had never existed before and which had never arisen up during the conduct of any war by us. We as soldiers were forced in such a way that no one will ever forget it. Any one who is at any time out in a frozen motor car without ... without any communications in the middle of this tremendously large country, Russia, surrounded by thousands of frozen men, to anyone to whom this has ever happened will not forget it for the rest of his life and is unknown to anyone who is not put in this situation.

We found that even in this modern highly technical time there could be such tremendous harm inflicted by nature that any technical appliances even the most modern machinery is worthless. Turning against the Russians would look no more than ridiculous, certainly it showed that the conflict with the emergencies inflicted by this winter would at all times over-rule any individual laws, situations which the Russians dealt with in an exemplary manner. The import of technical equipment, such as over transports of wounded men, that is, that you run in winter conditions such as this cannot be solved

with other vehicles, air-craft or means like that. It can only be achieved by driving masses of civilians and by using thousands of men to transport every barrel of gas, every medical supply, every instrument to the front. This complete sacrifice on the part of the masses, the sacrifice on behalf of the will to win the war, was something that the Russians achieved in the greatest possible manner. It is not up to me to ascertain whether there people were just volunteers who froze to death and whether or not prisoners of war were among them too. I shall not bother to remember such details as that.

One thing is apparently clear, the privilege of being in his own count on his own soil and the friend of the eastern people, who live there and this completely identifies the young Russian Communists, brought up with two religious conceptions in this unreligious Bolshevik state, made an unconditional sacrifice. I don't want to say that the Russians were sacrificing thousands, but some thousands died in this type of warfare and I do not say that of soldiers.

If the conduct of the war on German's side was to continue after this type of warfare had broken out, and of course we know that after this dreadful event of 1942, we should have stopped then, we would have had to act in a similar manner and every man in every camp in the background would have to be used. It is not up to me, however, to be the judge if this is totally correct or not. At any rate, there were two totalitarian people prepared to use their last resources against each other and between them there was the struggle against nature and both these people used the same means to achieve their ends. Every vehicle was shot at, be it marked by a Red Cross or not, and that was the time when something was created and achieved by the Bolsheviks; namely, that there is not only the individual thing and the stuff collective proletarian but there is also the superior individual point of view that of complete suffering and total sacrifice.

Q. Witness, which were the social problems which arose from this research at the front?

A. The decisive outlook was to save people at all costs. Right now I

would like to erect a dividing line because the impression created by my report in 1941 and 1942, as brought back by me from Stalingrad in 1942 in the winter campaign in 1941 and 1942, people froze to death out of the Waffen SS, all the old soldiers and reliable stock of volunteers. Mostly people who were personally known to Himmler and Hitler. This report had an effect so terrifyingly personal, the old guards known to and if Hitler since the seizure of power. Twelve to fourteen thousand men were sent in and there returned shortly afterward about one thousand men strong. The feeling prevailed therefore on terrible personal suffering and there was the desire to help and to accomplish to slow down this catastrophy.

I think I am right in saying I was the first surgeon in our sector who came back from these experiences and at that time I had an opportunity to report to both Hitler and Himmler about it in detail. Until that time, as I said yesterday there was the Waffen SS, those small elite divisions. I recommended to make sure of real recovery of those divisions, clinically speaking, by all means. Once again I rushed to the front with my operative instruction staffs and we asked for a time of rest for our badly beaten numbers so we wanted to take care of the men -- men after men -- purely clinically speaking, thus, making two decent division again out of two or three. In this connection, I did only took teachers with me but also subordinates, so that clinically speaking our potential strength could be reallocated. The response was, and this is something I emphasized to Himmler personally, that during those times our losses in the Waffen SS would not be concentrated with and that I seen should be drawn from this collapse of the Blitzkrieg war in Russia was over and the Waffen SS with its deficient men and inefficient leaders, particularly insofar as the medical field was concerned, should undergo careful clinical development at that stage.

Q. Did Himmler accept this suggestion of yours?

A. As far as this year of history of 1942 is concerned, I can reconstruct I think discuss the matter efficiently. The discussion in the house I described continued in January following the Christmas visit and in

Schendlychen by Himmler. He was so deeply impressed by the incredible losses among his elite regiments that my power, as a man of experience, was decisive - that he promised me something, and after all that is the result of the history of my participation in these experiments insofar as clinical welfare being brought to the troops from the point of view of the physician, that nothing would happen which would not be done through me or with me. To my recollection, after that I went to Schendlychen. Until then I was with the Army through their special corps. General von Reichenau being a patient of mine and it was after all my task to act as an expert and carry out personal orders. This must have been approximately at the time of Charkow - Poltawa.

Q. You mean in April of 1942?

A. Yes in April of 1942 when I was with the Sixth Army and I was at the front to such an extent that when the conference took place on May 18 - 20 I was not there to participate, but then after this conference, in other words during the days of the 23rd, 25th and 26th of May a special courier called at my headquarters and it was there that the decisive discussions concerning the refusal of the Office SS took place, which was to act under Himmler. As far as I can remember these discussions lasted long on days and weeks afterwards. Himmler, in his own particular way, called the important leaders and commanders to come and see him. I only remember for certain the presence of the other, Gruppenführer Hofer, Reich Medical Officer Grawitz, and I. Hofer is dead, Grawitz was an expert and, because he spoke about his illness in the presence of a deaf, he was the internationally known medical expert of the S.S., the Reichs Sicherheits Hauptamt. The basis for these experiments showed three points clearly. On the one side it was Himmler who always made the decision.

In dealing with the order given by Grawitz in 1944, I shall come in detail to the draft, which I submitted and I hope the prosecution shall help me by producing this draft.

Among the attention at the time we spoke during the conference it was not medical details, which came up for discussion. Himmler gave us a lecture and stressed all the time military conditions and you must realize

that military conditions had changed insofar as the Waffen SS were concerned. I recall you that as a result of our tremendous defeat in the East, Hitler himself had become supreme commander and in a totalitarian manner he saved all within the military and no other fields and that, in connection with this concentration of inter reorganization of the armed forces was assuming representing very considerable problem to him. It was no secret that this was the gravest crisis insofar as his confidence in people was concerned, the commanders of the armed forces were exchanged, etc.

Himmler at that time said, and I have no reason to doubt him, that during these weeks conversations between Hitler and Himmler took place to the effect that contrary to its tendency and development, the Waffen SS should become the important part of the armed forces; running, shall we say, a large amount of the army proper, and that he believed that considering all the military political difficulties, this instrument would enable him to remain in power.

Yesterday, I took the liberty of describing briefly how for a few weeks or months Himmler had been a soldier, that he never had acquainted himself with the realities of war. His relations to Hitler were such as in the French Revolution when Robespierre had been the eternal second who only had the command that was entirely absolute obedience to his ideal in which he believed, he skillfully looked after his chance in this case of becoming chief of the biggest section of the armed forces, which he shortly afterward - to great bitterness, because the Waffen SS received 30-40 divisions, and he became chief of the Berlin reserve army. So, as a non-military man, led the Army from until this force, which is an end

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

Court No. 1
5 Mar 47-M-8-1-AFM-Cook (Int. Von Schon)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, when and under what circumstances was the order issued that the effectiveness of sulfonamides was to be tested in an experiment?

A. This order arose from the discussions of a military nature, whose nature and whose observations to a large group of persons I have taken the liberty of describing. The purpose was to avoid all possible injury in the Waffen SS in the future. The two experts, Nebe and Grawitz, opposed my point of view. The purely military assignment given from Hitler directly to Himmler, Nebe brought into the confidence and foreign propaganda. I went to Dachau very carefully here and testify under oath what I know about Nebe. In the absolute conception of authority which I had at that time I had no reason to doubt that these statements were true. Nebe said that there was a crisis of confidence in the troops, first of all because the Allied troops had been given sulfonamide bags --

Q. Witness --

THE PRESIDENT: Will the witness please wait before continuing his evidence until the translator has finished translating the preceding sentence. The coordination of voices is difficult.

WITNESS: [illegible]

BY DR. SEIDL:

Q. [illegible]

A. [illegible] the critical [illegible] of wounded men and enlisted men on the one hand and the doctors on the other hand. He used the following two facts in explaining this to Hitler and to us. First of all --

Q. Witness, I believe you must speak a little more slowly. Pause between the sentences.

A. That the Allied troops gave their soldiers sulfonamide bags. This was unknown in the Germany army. Second, that there was a definite

propaganda on the radio and the press and hand bills which were dropped, that these miracle drugs which could have protected our wounded men from infection from the beginning, these were discussed in the propaganda.

Q. Witness, these were handbills dropped by the enemy?

A. Yes, which were intended to destroy the morale of the German troops. I stated that I myself did not see this handbill but the intelligence men reported this. On the other hand I was in Spain. Then I know the two possibilities which the Allies had, that the doctors and research were not political, but that the ruthless conduct of the war and a definite war of nerves or propaganda used the words, sulfonamide, penicillin, and the lag of German science by fifteen years, and so forth, to an extent which no person actually informed about the subject would admit. That was in my opinion the main reason why Himmler asked Gravitz to report on sulfonamides in contrast to me. I mentioned the sulfonamides in my January report as an additional drug which, for example, had never had any significance in my own clinic, and Gravitz's report at the meeting was not the instigating factor but a purely technical question. Himmler had some possibilities with Switzerland which is not important here, and we received from Switzerland citrate, which was at that time the best sulfonamide. The report of Gravitz [illegible] with the sulfonamide experiments [illegible] the efforts of Dr. Brunner [illegible] and Dutch also had [illegible] this reference to citrate [illegible] which were hailed [illegible]

... (cont'd.) This, of course, made a great impression and the bottle neck of transportation from Switzerland, of course, made great difficulty. And, the medical men, technicians, etc., who were concerned had to decide which drug was the most urgent to be introduced. But, there was another unfortunate factor which affected this question - that was the person of one of the speakers who was mentioned in all these meetings, that is Dr. Krueger. Here again I should like to state that Dr. Krueger has as little to do with the actual experiments as any other participant in the meetings, but at every meeting Dr. Krueger spoke of the best results and improvements of thirty to forty percent that were not achieved anywhere else. Unfortunately, Dr. Krueger in peace time was the advising surgeon, the consulting surgeon of the General-SS and Himmler knew him. He was, of course, not called in. He had no knowledge of these discussions but Gravitz quoted him as very important in contrast to my point of view. Then we had another unfortunate factor which made the situation more difficult, the possibility which Gebhardt had given of blowing sulfonamide into the wounds, which were to my knowledge constructed for the first time in the special apparatus by Surgeon Doctor Gebhardt of the Waffen-SS who had served in Russia under Krueger. Gravitz in contrast to my original attitude could bring very convincing evidence to Himmler that there was a possibility to use sulfonamide in a preventative way - to prevent infection in the wounds. That is the only question of transport of secondary mortality which was higher than mortality at the front - to solve all questions at one blow. Gravitz was an internist. He came directly from the front without any great evidence of what had been discussed at the meetings. I want to state expressly I do not know whether Gravitz was at the meeting or whether learned from another source. I can only say he knew about the problem. That the question of sulfonamide was brought up by Hitler through foreign propaganda that there was no doubt for Himmler that this was the potent medicine necessary to bring him out of his difficulties and that he merely wanted expert opinion from me. The questions to me were very simple. First - am I in position to undertake the

[illegible]ability by saying it is [illegible] to take any great interest in sulfonamide in contrast to the [illegible] of other countries, the [illegible] of [illegible] - the Gerwitz-Kruger [illegible] - because I know [illegible] is applied or can quickly be decided by inquiry. Of course, I [illegible] this question with "No." Then, whether I was on the [illegible], in spite of [illegible] opposition to sulfonamide, because I recognized [illegible] in thought, that in the collections of Kramer, which [illegible], and [illegible] which described [illegible], which I do not know in detail, but [illegible] foreign [illegible] - whether [illegible] to submit [illegible] possible [illegible] the [illegible]. I had [illegible] question with "Yes." [illegible] collaboration [illegible] asked [illegible].

[illegible] Was question #11 the [illegible] Dr. Gerwitz [illegible] relative [illegible] Lilienthal did he and if?

[illegible] I do not want to tell [illegible] of speaking [illegible] College [illegible] or I had [illegible] I [illegible] the [illegible] the front [illegible] [illegible] through literature and [illegible] [illegible] - things [illegible] [illegible] [illegible]. [illegible] victory, [illegible] [illegible] - [illegible] later [illegible] [illegible] experiments in [illegible]. [illegible] Goldie's first [illegible] [illegible] [illegible]. [illegible], which I [illegible] [illegible] of [illegible]. [illegible], [illegible] [illegible] [illegible] - [illegible]. [illegible] [illegible]. [illegible] [illegible] later [illegible]. I really [illegible] the fact which [illegible] [illegible]

[illegible] last War knows, that criticism which is made at the end of war includes that people in the last War had the culprits arrested in time but committed some punishable action and then were imprisoned and could not be rounded up and not die. I can only repeat what Hitler repeated - that there is an order of the State that [illegible] concentration camps or prisoners should not be [illegible] not only but also German soldiers not do [illegible] the things which [illegible] children in the [illegible] of suffer- [illegible] their pride and to be. This [illegible] said by the doctor. [illegible] said to me. But this was the [illegible] of the head of the doctor, according to Hitler.

Q. If I understand [illegible] correctly, you mean to say that [illegible] to this time you have had nothing indirectly to do with the experiments?

A. No, I had nothing [illegible] I shall come back to what I have and did not know about them. But, in this discussion the fact that [illegible] experiment and that Grawitz is [illegible] for medical [illegible] concentration camps [illegible] not discuss it.

Q. Why did you, Oswald [illegible] suggest although you [illegible] to [illegible] that the effectiveness of [illegible] be tested by [illegible] or medical [illegible] of [illegible]?

Q. I've present the whole discussion as a surgeon with experience at the front and, of course, I expressed my opinion. The question of animal experiments was senseless. I must point out that sulfonamides have been tested for hundreds even years in Germany, and that only in 1944, in the last studies, was there any clarification by animal experiments. On the contrary, what we know about infectious diseases, with great difference there is between infectious diseases in animals by artificial infection and infectious diseases in human beings - in the last months of war, infectious animal experiments, up to ninety and one hundred per cent of the cases are cured, and with treatment, one hundred per cent; that in human cases the absolute ineffectiveness has been clearly proved. It is not so, as I have read, that in our retrospect we are not to apply the subject of animal experiments, but even by animal experiments we have got to have the directions, the connections between certain diseases but that any comparison of animal experiments in these infectious diseases with human infectious diseases is not to be taken as false conclusions. And to be honest, I'd forgotten the proper place from the time when I was accused until now I have thought it over and asks: "Why didn't you not test this in German soldiers in order to see the effect?" I did not know that any court would ever ask such an impossible question. One can, of course, confuse two things, and even Dr. Gebhardt accused me by saying: "In your clinic with chemistry and material you wanted to do this. Don't you, that criminal, carried it out in the prison hospital without any patients for in his own clinic he had five or six hundred patients." One can also say, "If I didn't work in the clinic then you wanted to go to the front with special

units." But the last thing that was said, the Allied Forces solved that by way of inquiry. Only the criminal men of the SS carried out a senseless experiment, which they could have solved in another way. I might point out that, for example, in peace time there is no gangrene with very rare exceptions, but there are wounds in peace time which are contaminated with earth. Peace time wounds and war time wounds cannot be compared with each other -- that is a scientific negligence. On the other hand, one can say; "If we treat wounds from the beginning with sulfonamides we must come to a solution." Comparison is only possible under comparable conditions. In ten wounds - a hundred wounds - at the front there are not two which can be compared with each other according to appearance, according to the damage done. It is a false conclusion to say that one can have comparable conditions at the front, but even if it is possible to find wounds which are more or less comparable, one man has been crawling for ten hours before hand and is exhausted before he is wounded, and the other is hit by a bomb in bed when he is rested. One man lying for ten hours in Russian's land and freezes. The secondary conditions at the front are just as different as the type of wounds. There is a great amount of literature on the American side which points out that it is not comparable; that it is not possible at the front, where there is horror, to recommend the same treatment. One man does not find any doctor at all for three days, another finds a bad doctor, another finds a good doctor. One finds a doctor of any school who attacks the problem superficially immediately and, in addition, uses some sulfonamide drug. The other, on the other hand, finds an advocate of the sulfonamide theory -- he has a superficial wound which can be filled with sulfonamides and this has a good effect, but if he has a deep wound with a small opening

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at the top, then the sulfonamide stops up the wound and this sulfonamide creates [illegible]. Therefore, a comparison of wounds, of external conditions, and of therapy at the front is not possible. What was the purpose of all those suggestions for special units and special hospitals. They had two basic requirements. One, that this specialist travel to the front lines. Second, that the patients should never be let out of their hands again. Otherwise, the results cannot be controlled. During the whole war, in spite of the enormous efforts which the German army took, we did not succeed in getting any clear proof on this line. There remains only the inquiry. I have seen or less a statement of the American medical authorities after the war in Africa and in Europe. They had the same experiences as we did. They had to change all their therapeutic suggestions when the winter of war changed. In Tunisia in the snow I was able to open the wound up, put the knife into the snow and, as it was sterile, I could wait to begin without anything happening. The man in Africa was so affected by the sun that, aside from a social cause, he was protected from infection. Also serious infection problems in France but we could rely on a combined treatment because the [illegible] and air communications could bring the patient in six or eight hours to a hospital area. In Russia in the winter it was different. Every suggestion, every statement, coming to the school, was destroyed by the emergency of the Russian winter. Of course, the way of setting a question will always be by inquiry. The Chief of the Luftwaffe Medical Service always recommended that. But this applies to a decision only if one has a great deal of time, and very reliable advisers. If I had my way at that time, with my experience at the front and my experience as a

surgeon against such young men, we might have taken a different way. My views did not prevail. Women talking about medicine are not satisfied if one speaks of worries and long time and Fate. They want an answer " yes" or "no" immediately. As Himmler at that time wanted information in weeks, all our supplies, all our medical tactics depended on whether we admitted we could not expect the SS because we did not have enough doctors and surgeons and the interest of thousands of German soldiers was put in the foreground -- or whether, on the one hand, we were of the opinion that sulfanamide are sufficient, that one drug - such a simple drug that even a ordinary troop doctor can take care of it. Every doctor has his little bag of it and every doctor can put some in the wound and there will be no important cases of infection result. I do not want to defend the justification of these experiments, but there was a great question of thousands of human beings behind it. I personally did not give the initiative for the experiment. I represented a different surgical point of view from the beginning and expressed it afterwards, orally and in writing, and I could not say that the question in itself was more or less solved by me, and above all, as a surgical adviser I could not say anything definite for an immediate decision.

Q. Witness, how were these experiments actually carried out? What events were decisive?

A. I expressly pointed out what enormous problems existed and what men had influence on Himmler at that time. I was only the one who had to give the clinical direction. It is important that that was the reason -- and the experiments would probably have been conducted without me with a clear order from Himmler to Grawitz through some concentration camp doctor. That was between the 22nd and 25th of May

probably. And on the 27th of May there was the attack on Heydrich. It was nothing out of the ordinary that I was called there. I was always lent out as a surgeon when any special surgical events occurred.

Q. Now, witness, who was Heydrich?

A. Heydrich was the Chief of the RSHA - the Reich Security Main Office, at the time, and, in my opinion, he was much closer to Hitler than Himmler. He was the decisive active man of the whole counter-intelligence, espionage, enemy propaganda, and security within Germany.

Q. Heydrich was SS Obergruppenführer?

A. Yes, until he was shot in Prague. I was called, as I had been called to many other cases of accidents. I came too late, by plane. The operation was performed by two important Prague surgeons and I had to control the course of the treatment. In view of the great tension and nervousness which existed, Hitler and Himmler called up by telephone every day for information and there were an enormous number of suggestions. Two were given me almost in the form of orders, to call my teacher, Geheimrat Sauerbruch in or the Fuehrer's doctor, Dr. Morell, who wanted to use his own methods. I did not hesitate to take the responsibility and I took up a clear point of view. The two Prague surgeons had performed the operation. The shot had torn up the abdomen and the chest. They had done everything that was necessary - they operated efficiently and they had used sulfonamides. I am of the opinion that if anything can endanger a patient it is nervousness by the bedside and the appearance of too many doctors. On precise inquiry I refused to call in another doctor, even Sauerbruch or Morell. Then Heydrich died after two weeks or so and I had to settle the details. You can imagine the situation at the time. Hitler called in me then refused to receive me. He sent me to Himmler. The discussion with Himmler was very simple. He made it clear to me that Hitler's point of view was that Heydrich had been battle such as we had never experienced before; and the remark of Dr. Morell-- it isn't that Morell said anything about experiments -- he just skillfully said, "If my" (that is, Morell's) "modern sulfonamides had been administered," (for which Morell had approval, I believe, in Vienna and Hungary to use it in his own factories) "then maybe things would have been different." In any case the discussion was very brief. The experiments which had already been discussed in detail were, for fantastic reasons, to be started immediately under Gravitz, and not only the injections--the Swiss and the German ones which had been intended to be used--but also Morell's ultraseptyl was to be tried. I myself was the two clinical witnesses of my treatment and the treatment on the results of the sulfonamide experiments. My teacher, Sauerbruch took my part. He said that nothing had been worked out and we did not consent to ultraseptyl because we had no experience with it. Gravitz had already received the order and I could only contact Gravitz on the influence which I

had voluntarily chosen, that the experiment should not be conducted by an internist or by some unknown concentration camp doctor but that it should be done in such a way that the responsibility could be taken for it at any time afterwards, that the head of the State was the supreme executive in Germany and that he had given the order. The discussion between Grawitz and me took place but I should make it quite clear here what I discussed with Grawitz. Even today I believe that I acted correctly in the situation. Grawitz came to me for help in his favor and said he would do everything so that it would turn out well and that it would be proved to him, Grawitz, that I was right in the case of Heydrich; he could not have been saved and there was no evidence in favor of any drugs of Dr. Ohlroll.

I was aware of the fact that the Reich Physician Grawitz, who had no confidence whatever in the Fuehrer, could remove the right to carry out any experiments which were illegally carried in such a way that they were binding for us at the Fuehrer. There was an enormous responsibility behind these experiments. How can one have a positive result? They were the directives for hundreds of thousands of German soldiers. According to my position and the enormous power which the Prosecution says I had, one thing would have been possible—to say that I was sick or to run away, to refuse that it had nothing to do with me and to leave Grawitz alone. That would have been a great disaster for the resulting survival of the Reich SS if he had proved to all to whom responsibility was not interfered in the experiments. On the other hand I talked to Grawitz and I wanted to know how such experiment would be done. Of course I had enough sense of responsibility, enough courage, to ask him for the conditions under which they chosen. Mr. Grawitz, say, do you yourself? Grawitz considered this very simple and in the which conversation I could see from the experimental subjects were and how they were chosen. I can say, under oath, that Grawitz showed me the documents that they were or less volunteers, real volunteers, convicted criminals, or that they were under the death sentence. I considered it my duty in my favor that I made it a condition that if the experiment was carried out which was not based on medical initiative, the course of which was objective, but that the money issuing the order must clearly determine the role of

persons, and the method of selection; that I thought at the time, sufficient, in view of the Law of Night and Fog and Hitler and that they would take the responsibility. Of course, one thing was not possible--that this decision should be made in the camp. I will later have an opportunity to explain this in detail.

I told Grawitz, "This is an experiment which is conducted without me. Yes, this is an experiment which is not from a judicial initiative but which Himmler, that is Hitler, through Himmler, has ordered in July, 1942. Then, Mr. Grawitz, let us both go to Himmler, our supreme commander, and ask him to pick out the people to take the responsibility before the world and assure me that I, as a consulting physician, will have nothing to do with the selection." That they could only be persons condemned to death, that was not clear. I told Grawitz respectfully that it was not clear how he could do it with volunteers. I will comment later in detail on this question of volunteers in large scale experiments from all the experiments which I know about. Here I shall only say in advance that in a concentration camp of course it is possible for 10 or 15 to volunteer and possibly were under pressure, under influence by being promised certain advantages without any knowledge of the importance of the decision. That was the prerequisite, that this honor of the juridical decision be shown to Himmler, and I say regrettably you have no document about the multinodule experiments that does not say "Inquire of Himmler or Mueller." That was the minimum decision to be obtained juridically in this field. But I say that also that after my interference these two names never again appear in the documents. I pointed out this impossible juridical situation. I never approved it. I was of the childish opinion that in a totalitarian State, where the authority says "I am the Court, I decide," that it then bears the responsibility.

The second important question was the matter of secrecy. I say, point out that medical experiment, no experiment was officially reported to me. That was not Himmler's or anything secret in connection with his medical decision of murder through the concentration camps. On that point I was my own advocate against Himmler with his own evidence. Himmler said: "How can you take the responsibility as doctors? You are only the instruments. We, the State,

Hitler and Himmler, we the two chief men, your commanding officers in the SS, order this. We take the responsibility and we assure you that you are free from punishment." It was as legal as anything could be legal in the Third Reich. I said then, "I do not understand that you keep it secret. If an experiment is to have any scientific value it must be examined by the minds of experienced doctors at a congress, and must be tested at hundreds of clinics, and must become well known term internationally, and so must acquire its moral value. It must be useful service to the broad mass of humanity."

5 March-A-JP-12-1-Maloy (Int. Von Schoen)

Court I

In spite of all objection of the PMA I insisted on this point, but when it comes to my report I shall tell with difficulties I had. But I may point out that the concept of living it to the public was introduced by me, and that I do not believe that the prosecution can prove that since that day I have kept my name away and tried to keep my name away from the sulphanilamide experiments.

Now, I will come to the two concepts which only within the order and within the criticism of the Courts, are purely at the expense of the executing doctor. Here is the area of possibilities and here I agree with the prosecution for the full responsibility, that is the scientific regulation of the experiments and it for which he is personally to the law. Second, the harm used to save lives. This is, upon the computing physician, at the moment, when for the sake of a scientific experiment, he has to decide on certain death, considers security to serve before scientific considerations. I hope that this explanation can be found in a document, yet the prosecution will not grant the document have favor, only the others. Hitler had this document with those words which I have just quoted. Then on the 6th and the 7th document to me Hitler. I demanded a telephone, what had never happened before, that the inspector of the concentration camp, Glucks, should be present.

Q. Just a minute, witness. You said on the 6th and 7th, that was June?

A. June, that was June? No, July, 1942. Up to that time everything had been done through the army. I don't understand from the record that Gerwitz was not mentioned before as far as I know Gerwitz was there at the discussion on the 6th. At any rate, I talked to Hitler, Gerwitz and Glucks, the inspector of the concentration camp, and I again reported my point of view as I have explained it here, and in a clear distinction I said it is a criminal initiative, and I had no intention of conducting any such experiment, that I could not and would never carry out the experiment alone. That was not basic research. That is not a bacteriological problem. That is for the front clinical men and clinical men. If that experiment

is conducted it will be under my protection and my responsibility, and I will take the responsibility, and then on the first opportunity we will go to the broad mass of doctors and acknowledge what the State has ordered and what the responsible doctors have done, and to the end of our lives we will subject ourselves to the criticism of the public. I have remained more or less alone in doing this. Glucks was also of the opinion that this could be done, because the condition came that I told them one thing is clear, I said the experiment if it begins with my men will be done only on persons condemned for whom the State has taken the responsibility and whom the State gives the opportunity of saving their lives. I did not ask whether Himmler had the right to pronounce a death sentence. You gave discussion to the legal basis of the Third Reich -- for as Himmler was the Chief of execution who could execute thousands of people by a stroke of the pen. His instrument was the authority of the Reich Office, the RSHA. I was prepared to take the responsibility by name, and the men condemned to death could, of course, only be Germans and only men. Up to now by mutual participation it has never been considered, although the documents are well known, that the experiment began with 15 men who came over from Sachsenhausen to Ravensbruck that essentially according to the RSHA they were condemned to death, and that they remained alive. I believe my conditions were relatively clear. I disassociated myself completely from the selection. I disassociated myself expressly from the initiative for the experiment in itself. I demanded the selection of any arbitrary person should be left to the camp or camp physician. I said the experiments would have to be conducted on Germans condemned to death. It was actually so, and they survived the experiment, and the fact since this day became known not only in Germany but in Switzerland and England, otherwise it would not have been so right to condemn my to death. On the other hand the question of scientific execution had the human - not the only field of responsibility for which I take the responsibility now.

Witness, I shall go back to the discussion after the death of Heydrich, between you and Himmler, is it true that according to the statements

which Himmler gave it was quite clear that this was the execution of an order which Hitler himself as the head of the State had given?

A. I can say under oath that that was what Himmler told me. I want it to be absolutely correct. I said that I was not received. Hitler always wanted a report when I performed an operation. Himmler told me with the express approval and the wish of the Fuehrer, and the wish of the Fuehrer was a state order. We did not make a discussion of the instruction, whether Lammers had counter-signed it then, but Hitler ordered and Himmler carried it out and Himmler was my commanding officer and I was obligated by the oath which I described yesterday. I said this because I am not a coward. I could have disassociated myself from the experiment. The experiment would have been done, and the right of the experiment was useless.

Q. In the discussion of July 5, 1942 Gluecks was present?

A. Yes.

THE PRESIDENT: At this time the Court will take the noon recess until 1:30.

(Noon recess)

AFTERNOON SESSION

(The hearing reconvened at 1330, 5 March 1947)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.
THE PRESIDENT: Counsel may proceed.
E. GEBULLETT - Resumed

REDIRECT EXAMINATION (CONTINUED)

BY DR. SEIDL:

Q. Witness, what were the general security measures adopted in connection with the experiments by you the aim of which was, quite obviously, that whenever possible deaths or serious damage to the experimental persons was to be excluded?

A. I have made every effort during my trial to set the accomplishment of the experiments so clearly that it was without any initiative -- this is something I want to repeat -- there was no order, no personal connection, no suggestion of any type on the part of any of the gentlemen from the Armed Forces or the members of the second meeting. But, on the other hand, I should like to emphasize equally strongly that for the carrying out, as far as their scientific and human side are concerned, I feel fully responsible and I am picturing it to myself according to the reconstruction I am arriving at according to my reaction. The starting point was that right from the beginning conditions for the experiments, such as were assured by Grawitz in a conversation with Himmler, namely, that wounds of other troops or wounds were to be the starting point from affliction were never at any time allowed to creep into these experiments by me. The second, to my mind rather relevant point, is that I did not in any way discuss this plan with any of the Armed Forces, or ask my suggestions and then left the experiments to chance. But this carrying out of the plan was my work and what I am describing is well or as badly as it remains when I am talking to you now. I think that the main security measures were that I, as well, and the best surgeons of the Waffen-SS, coming from the old school, who had only dealt with other special fields, were personally carrying out the clinical

side of those experiments. There was, therefore, no doubt to me, something which later on became a disaster concerning Himmler's attitude, that the experiments were going on near Hohenlychen. It was not my view that in such outrageous matters of colossal importance one would send a medical assistant officer off to Dachau there with an occasional inspection and then if there are a number of dead people or something wrong has gone on one deserts the person in question and says "I thought this would have run differently". You know Fischer's story, and I am sure he is going to be quite open about his own view of the matter and with reference to my influence with you, anyway you know that my old collaborator at Hohenlychen held that institute in the highest esteem and it couldn't have been immaterial to them. It wasn't immaterial to them that we were suddenly involved in a concentration camp experiment. It is quite clear that I listened to any objections. And it is quite clear that I tried to work as sincerely as possible. And it is also clear that none of my superiors could take an order from me if I were to have assumed the authority of giving about me.

I did not imagine that we would get to the point where not only my personal reputation but that of my clinic institute, my sanitorium, would be at stake, and that they would be drawn into an equivalent to a concentration camp, which was now told was what happened. Himmler and the SS were most responsible for this point and that was clear to me at the time. Anyway, we entered into this experiment with a clear cut authority from the SS and we drafted instructions for the experiments giving approximate figures, and Gravitz, of course, basing himself on his pseudo-scientific conceptions, was working on our large scale experiments. And I, on the other hand, was fighting for every one being used. I changed conditions since Gravitz could not judge the surgical side of the matter at all. And I in my capacity as a well known surgeon at the time refused to have an internist interfere with my business.

Q. Earlier on you used the word "research", large scale experiment, but in reality in documents submitted by the prosecution the figure of 205

persons occurs which were selected for experiments according to the Grawitz plan. What is the situation there?

A. Well, actually, we had to make reports regarding the number of people one had to expect if that experiment would go on for any length of time, and we attached considerable importance to it that the RSHA should check and deliberately place at our disposal as their responsibility the right number of people. I think I can remember that at some point I had explicit information that 205 people were definitely sentenced to death had been chosen. Whether this was also in connection with the Jews, I cannot say from my recollection.

Q. When carrying out these experiments was the defendant Dr. Fritz Fischer involved; what was the reason for you to choose Dr. Fischer particularly in connection with these experiments?

A. That is probably the most bitter point of my responsibility, after the prosecution had come to the harmless decision that the outcast of sciences and humanity, Gebhardt, had found a willing tool in Fischer. I chose the best man, holding the most important position in Hohenlychen, working on the most seriously ill patients, I chose him against his will and put him in that fruitful position, and, if there is one thing I regret, it is that I asked Fischer to make that sacrifice.

It is quite easy to say a young doctor, who does not know much, should be given a chance to get to work without supervision, but that means you do not know conditions in Germany. I knew Fischer's personality and there was a station in Hohenlychen dealing with the most seriously ill patients, it was outside our hospital and it was my former ward having sixty beds and that contained most seriously ill patients who could be found in the whole continent. There was no assistant doctor there immediately responsible to the chief without supervision of the Oberarzt (chief doctor). For years, and years I was looking for the right man so that my back could be covered if I had to leave. From the scientific point of view and from the human point of view, Fischer was the right man for the job. And now, someone is to try to tell me what the training period was supposed to be for that man. For three years he was a pathologist working in the biggest clinic and hospital in Berlin; he was working in a hospital with 2,200 beds and right out of this, he was appointed deputy chief because he had all scientific, human and intellectual qualifications.

From 1938 to 1939 he worked there independently exploiting the scientific points of the work. I would have thought that an American would understand that one would not overlook seven or eight years of progress and that one would chose the right talent for the right spot.

I had very close connections with this Virchow hospital after I had been offered to go to the Virchow hospital also in Berlin, as chief surgeon. A surgeon who had worked in Sauerbruch came at the same time with me. I was given this high position and I initiated the Dachau Doctings - an American Spa - at Schonlychen with the same American condition. I visited Virchow and we had approximately the same installations. During the next years of peace, I had opportunity to find for myself the best man for that hospital and that was Fischer, who I called to my clinic, along about that time. Fischer had worked under me for two years directly in one of the only working on people who had nothing to do with the experimental prisoners.

It was under my supervision that after the three years of scientific training, training under me of his clinical scientifical teaching, that for one year Fischer was at the front during the same winter campaign as when I was there. He came back with the same experiences that I came back with, he knew the front, he knew our patients at home. Then I not only used my own efforts, but also the efforts of the man who was indispensable to Schonlychen and made him use every free hour to go to the concentration camp, to the place where the seriously ill patients were and have him take care of every seriously ill patient there. The case of every report, which I received came from Fischer either orally or in writing and he also reported about his experimental patients.

Q. Fischer was your assistant at Rehanlychen, but was also SS Obersturmführer; he was also your military subordinate and you were his superior;is that correct?

A. Yes, that is correct. I don't know whether Fischer ever volunteered to come to me, he was recommended to me as the most valuable person from the hospital. He was with the cavalry storm troopers of the General SS and turned up with the Waffen SS and consequently was under my jurisdiction. I wanted him to be my assistant and if I took care of a man during his training period, then it was Fischer, not only because of his tremendous personal capabilities, but also for other reasons, such as his scientific out-put and human and medical attitude. He justified my confidence at every moment. Just because it had been a decision for me, an important decision to take an experiment in a concentration camp away from Oranitz, it was because I went to the concentration camp with my own assistant.

Q. Fischer carried out the experiments together with you and by your order; that is clear is it not?

A. Fischer never worked independently by himself. There was always a question of differentiating between things I instituted. There are rules between surgeons which you have to understand and see the point. Naturally, I would not carry out a minor operation by myself and naturally I would not have done that in Rehanlychen in any case. Particularly because of the few days I spent in Rehanlychen, I had to deal with the outstanding aseptic surgery cases. I would not have dealt with gangrene cases at all neither in connection with other surgeons or myself. In order to make clear such responsibility, I always did something that is entirely customary among German surgeons, that is I carried out the first incision myself and that meant it was my operation.

That is the way I want you to see this and you can always hear from the discussion and statement of the witness that whenever Gebhardt wanted to finish up everything, there was friction with younger men. I would not say that "I am a General, you are young and untrained." I would say in the presence of all the witnesses, "I have carried out these operations on you, this is my operation and Fischer merely assisted me." But, with all the tremendous power of my authority, which passed through my person as a General and a chief of the Research Institute, I pushed Fischer and brought it to bear on him and Fischer of course had no doubt what it meant. Thus, due to Fischer's intervention entirely, it was due to his intervention, that the experiments caused so few lives.

Q. Was it your impression of Fischer that he was enthusiastic about these experiments?

A. I have already told you earlier there was considerable difficulty in my clinic, difficulties which I had to clear myself. It was incredible in the case of Rahnlychen that we, who never had any dealings with Ravensbruch, who never before or after had a visiting medical officer from Ravensbruch, who had never visited Ravensbruch ourselves, we, by order from Grawitz, which I could evade quite successfully on other occasions, should be included in this affair. On the other hand, it is not a habit of mine to make a decision that I should have discussions about it with my subordinates. I made it clear that I had taken on this order, received this order and the question now was to make sure it was carried out as expeditiously as possible and that Rahnlychen would stand for that. That meant that I, myself, Gebhardt, would accept the responsibility, and that it was not Fischer's responsibility, is proved by reports he sent at the front.

It is quite clear and I do not have to emphasize how bravely he fought and lost his arm at the front and it only shows what kind of man he is. It shows what kind of a man Fischer was for when his arm was shot off he remained at the front with the troops for several days until after he had taken care of the last injured man and it was only then he allowed the amputation operation to take place. There was of course the second operation due to very serious complications and as soon as possible after that he went back to the front. And if not forced him to be detailed for ex-ra ys at Berlin, he would be back now, as it was his wish that he should fall, that he should die.

Q. And I now come to the participation of the defendant Berta Oberhauser in the experiments; before the beginning of these experiments had you known the defendant Berta Oberhauser?

A. I can only describe to you the impression to which I the High Tribunal attach a cert in amount of weight. Berta Oberhauser played a small part and tried as decently and kindly to take care of the patients, that at one state I took notice of her when she was applying dressings. During these initial arguments between orderly, when it was a question when it was a question of an engaging man and soldier opposing soldier he had the higher rank, there were some subordinates who were no longer aware. Naturally, that little girl did not play a part, nor did she have any criminal instincts, nor did she try to do anything in a particularly cruel fashion. That I think of her and how decently she acted in this desperate situation with which we were faced is a matter from which you can derive another conclusion, something connected with the entire disaster with which we were faced. I tried always to treat particularly decent

these people who I had forced into the situation.

Herta Oberheuser was definitely unhappy, she had to act as medical officer in a concentration camp, but not because she was participating in any particular crimes which are charged against her. The dominating feature was that in that concentration camp there were prostitutes ready to be chosen for brothels, there were invalids and God knows what else. She wanted to leave that atmosphere and I took her along as a woman doctor to Schonlychen. The impression her work made on me, her presence made on me, is proved in the best way from the fact that from the civilian department she was transferred to the women's and children's department a department where she had to take care of about 160 people. She also became the doctor of my family and my children. Had I had the impression that she was acting in a particularly reckless or criminal manner, I would not have called her to that position nor if she had reminded me of anything which I myself did not consider to be quite correct. She had excellent training over a number of years. At some point her department had detached her from service, when the duty of secrecy was imposed upon her and these special duties did not allow her to leave the concentration camp but it not been through us.

She was the station doctor attached to this experimental station which we had especially created for experimental persons, but she only became visible when we start being concerned with women. She helped us reliably and decently, and most of all she had a staff of Poles working for her, something which seems to be forgotten somewhat by now, namely, that there was a group of Poles who quite happily collaborated with the Germans. The nurses and the sisters were Poles, and the head sister, head nurse was German, so that as far as I could judge the position, and also during the subsequent period when she had this confidential position at Hohenlychen, I considered her to show great signs of human decency and reliability.

Q. Defendant Oberhauser, therefore, was seen by you for the first time in Ravensbrueck after the experiments had already started?

A. Yes. Quite certainly she was not there during the beginning initial period of the experiments because they were concerned with men and then later at some stage a women station was created, and it was at that point at which she became the station doctor.

I can remember that whenever I was applying large dressings myself Defendant Oberhauser sometimes seemed to be there in her capacity as the ward doctor who received her instructions through us.

Q. Did Defendant Oberhauser participate in any conferences which you had with Dr. Gravitz or any other medical man or high-ranking officer of the Waffen-SS dealing with such experiments?

A. Certainly not. The whole situation was that all preliminary discussions or planning, as you might call them, were purely discussions which she had with us alone. The carrying out was my responsibility and Fischer was my assistant. The ward medical officer was Oberhauser. Therefore, we talked about the taking care and the therapeutical effect and any possible incidents, but the discussions, the arguments between Gravitz and myself were such that if there were witnesses, then it wouldn't have been subordinate officers and certainly not a woman. Any inference of participation on Herta Oberhauser's part is out of the question.

Q Defendant Oberhauser was actually working on venereal diseases and skin diseases?

A Yes.

Q When carrying out these experiments, did you have any personal or scientific interest in the women?

A No, not at all. I don't want to say the wrong thing, but I think she probably didn't appreciate the real meaning of our work at the fronts, and certainly I wouldn't have taken steps to communicate it to her.

Q Defendant Dr. Oberhauser has been accused that she hadn't taken sufficient care of patients, and one woman witness stated that when she came to after an anaesthetic, she had her face slapped by Dr. Oberhauser. What are your observations in that respect, and what can you say about them?

A I hope that the High Tribunal will give me an opportunity to deal with the question of observations made and judgment passed by concentration camp inmates. There was the spiritual infection which would be in existence in such a case, and there was the question of passing on rumors. I do not believe that the situation was such as described by Dr. Mazka, namely, that when I went there, every thing was in order, and had deteriorated when I left. It is a little too difficult to recognize everything, because, after all, people know the times when I would come. For instance, when I had to go to Stalingrad and had already checked out of Ravensbrueck, my worry and concern made me turn around, and once again I went back to the camp in order to see if only that part of the experiments was continued which was justifiable for the brief period of my absence. Therefore, I would have had to see it if any particular change in conditions had been made during my absence.

With reference to the details such as they have been described here, I want to say that it is a most peculiar affair which would never be evident in any judicial or legal picture, that the person who has suffered, has been operated on, has been sick would not only say what happened to him, what he went through, but would also speak about the value

of the operations. Every thing that happened in connection with the operations would describe the case history, in fact, would give an expert opinion. I have neither the right nor the intention to criticize these poor women personally. I am perfectly convinced that they were trying to be as honest in speaking, as honestly as they knew, but I would like to point out that now after three years, and under the considerable pressure of the press and the journal situation, private interrogations, they would give just that picture of the situation which is now an naturality.

No, of course, as doctors know that there is no greater charge for misinterpretation than doctors' actions being described by laymen, and this question of hitting someone after an anaesthetic is one of the most typical examples of this. Whatever literature you read about the problems of anaesthetics, you will always find a chapter, at the end of which it says: if someone recovers from the depth of this sleep, then he would usually misinterpret the person or over-estimate the value of the person whom he finds that he is faced with. You all know from literature the tremendous worship which out only makes the anaesthetic nurse appear as the operating surgeon or some frightfully important person, or which, on the other hand, when someone is just coming back to consciousness, while his tongue is sticking to his gums, that he cannot breathe freely, will suddenly start shaking himself in fear of suffocation, and then, of course, there are the first reflexes of coming to his argument with an anaesthetist. It is cheap to consider that sort of thing implicating a man against a woman or to have statements made that faces were covered. I would have taken a job away from any assistant or doctor at Hohenlychen if he had allowed a patient to watch a dressing being applied, and if an accusation can be raised in this connection, then it is that that was not carried out severely enough and strictly enough.

You all know that if a person is suffering and facing his diseases without justified criticism and when they suddenly see an operation scar or some blood escaping or a piece of detached flesh, then that will impress itself firmly in their minds as the dramatic point of all the happenings in question. Therefore, does the patient not only shit during the dressing, not only does he shout, not only will he make sardonic and impede the progress of the dressing, but he will not psychologically be under pressure, and it underlines the fact that the laws of different clinical practice were applied by us in the concentration camp, too, when we find that they were uncovered during the change of dressings that they couldn't see their own wounds. It seems to, all these are instructions based on by schedules and not spontaneous committed by this little group.

Q. Was Defendant Dr. Oberheuser independent as a doctor at Ravensbrück or was she subject to the instructions from the chief camp and station doctors?

A. She was the lowest back-room girl in this military table of organization. I know how difficult I found it to get her out of there. After all I had a whole staff of officers, and somebody who as an expert doctor was attached to this staff for removal diseases naturally fully qualified to the lowest camp doctor working there.

Q. What work did Defendant Oberheuser carry out before the experiments in connection with these experimental persons?

A. I have emphasized it strongly, and I think God this is something that can be proved clearly by individual statements made by witnesses, namely, in addition to the selection, that these people were subjected to the medical role which had been compiled elsewhere, and, of course, we wanted to know whether there was not a patient who an additional disease was had come into this infection experiment. I didn't have anybody better to carry out a medical end of that kind than Oberheuser, and it is not right to say that every [illegible] in Hohenlychen was generally examined by specialists six times before they were operated on, but it is, after all, those where the fact that every

witness stated that she was either x-rayed or that her heart and her lungs were checked, and that even for one or two days her temperature [illegible] before the experiment actually started, that they were bathed, that the legs were shaved before the cut was made and that drugs were injected. If you always take the fitting pieces of all this testimony, then you will show that these clinics were taking care of just as much as they were taking care of at Hohenlychen at the same time.

Don't forget we weren't in America; we didn't have money and time and medical officers in abundance. I had no choice; I had to deal with 1,000 to 1500 people in spite of no antibiotic in Hohenlychen, and I [illegible] to take care of two hundred patients. I myself had to fly back and forth in order to be able to [illegible] responsibilities [illegible], and then, of course, was the case in Ravensbruck, too.

[illegible], if anybody was operated on who not previously examined [illegible] at that point, [illegible] living in a peace [illegible], then it is my fault; my collaborators did what they could considering the lack of time.

Q. Did you hear that Oberhauser's part in medical experiments and operations?

A. I can only tell you that if I was there, Oberhauser was never there, or, at any rate, she hasn't come to be there by recollection. [illegible] I would look at the patients and I would watch the entire change of prosecutors, but in no case could I carry out even a [illegible] case of any individual station at Hohenlychen because it is impossible from the point of view of an [illegible] of people. All I remember in the case of Oberhauser is that she was present when [illegible] operations, that she spoke also with the patients, that [illegible] the type of medicine that was to be given them, and that was all I can remember. Whether and to what extent she assisted [illegible], stood by during the case of an operation, please

I don't take me to give you that during my testimony now considering that in the meantime I have dealt with thousands of wounded men in other places.

Q. The experiments for the trying out of the effect of sulfonamides was carried out at Ravensbrueck, weren't they?

A. Yes.

Q. Please, will you tell the Tribunal how this sick bay was equipped, and what the conditions were from the point of view of hygiene and the medical point of view?

A. Oh, we have had all that. If it was said that a station at Ravensbrueck was as good as a field hospital for German soldiers, then we were told that that was lies and cowardice on our part to say anything like that. Well, that isn't my view. I don't think that in the case of a well-run station one could also must necessarily be ill-run. It is, in my opinion, correct to say that a good doctor should be capable of improvising and should be capable of operating decently in a hayloft or in hussia in a field. What we did take care of was that things were started well in Ravensbrueck. I can say under oath something which has been repeated here despite of the tendency which crept into these stories that in the case of gangrene that there was an operating room for gangrenous infections and one for not gangrenous infections, and in 1942 that was something which fifty percent of hospitals in large German towns no longer had, and in the field certainly never had. Since it was quite impossible to separate to these two types of operating rooms, I knew that operating rooms were decently equipped, but I had the same objections which any surgeon would have operating on foreign soil, that I didn't know the material, that I didn't know the personnel, particularly because they were Polish with whom one was working together.

The x-ray assistant who was working with Stumpfegger was Dr. Münster, who was well known to me. There were four Polish nurses working there, so that the situation was that we decided that for the really decisive matters we should bring along whomever we could possibly bring along, and the things which we brought along were medical supplies and, to my knowledge, some laundry and other things which were needed, and of course, surgical instruments.

Q The sick bay had also been established with a modern radio, is that right?

A If I remember correctly, that was the only thing we brought along, but I may be wrong, and either the x-ray equipment wasn't there or it was inferior, so that when we asked for it, a certain amount of equipment was supplied, and I think the x-ray equipment was among that.

Q The initial experiments were carried out on professional criminals from the concentration camp Sachenhausen, I believe, people who had been sentenced to death. How many people were that?

A. I have told you what the instructions were with reference to the experiments. We started with people under death sentences and repeatedly I had the assurance that my conditions would be applied, and to my knowledge on the 12, 13 and 14 of July, approximately, there were three occasions when five people were dealt with in a preliminary experiment.

Q Those experiments were also carried out in Ravensbrueck, weren't they?

A They dealt with men coming to Ravensbrueck from Sachenhausen. In Ravensbrueck, they were kept in some small camp outside, because I do know that dressings were applied outside the women's camp, but that they were brought in for the operation and that there was a separated section in the women's sick bay, something I also know. Also the actual operations took place in the same department in which the others took place but I think the dressings were changed outside the camp and there was a perpetual traveling back and forth.

Q And what was the detailed instructions which you have?

A. These instructions were quite simple. We had a clear cut order. Certain preparations, the value of which was for the work at the front, were

to be checked quite from the beginning. We had orders to test the preparations sibasol, ultraseptil, Dr. Morrell's preparations, and the most important German preparations, then eleudron and katoxin, which always plays an important part, and which is considered a most modern preparation, and that is a preparation which I thought most promising because contrary to all others it did create oxygen in the wound, so that we could assume that even if the gangrenous process did start the oxygen which was accumulated would prevent repercussion. Unfortunately that preparation kept the least of the promises; and on the other hand there was a fight for wounds of a nature similar to war wounds or for infections which gave a picture similar to war wounds but which were created in quite a different manner, and now we are being accused particularly that we had inflicted wounds. Apparently were supposed to have been so brutal as to have opened a small piece of tissue by means of a knife. As an illustration, of harm done by infection I experienced that, the witness Martin in the last trial had been vaccinated, and then went back, and got dirty in the camp and gangrene killed him in spite of two operations which I carried out. Naturally the situation is this: If I make an injection just haphazardly without seeing the texture of the flesh, then I risk subsequent bleeding and I don't know what the wound conditions are, and with a very small incision I might be very lucky, but I might be very unlucky. To the surgeon there is nothing more harmless and clearer and obvious than the plainly visible wound conditions of a straight cut which will heal up afterwards given the necessary assistance. Seeing the wound condition to a surgeon is the most important of the whole thing. We certainly used the conditions which would produce war infections, that is, to see the infection bleeding and then produce gas gangrene, and now we are being criticized from two sides. Some say "Good God, you used gas gangrene? What a dreadful crime. Anyone who is touched by gas gangrene is in danger." That is stupid and it is untrue. The Brunner publications will show you or any other publications will show you that there are carriers of gas gangrene who never have been ill with gangrene, so that mere contact

with gangrene does not mean a person will suffer from gas gangrene, only a layman will say that, and then, of course, there is a point of view of the expert: "How can you make that sort of an experiment. This is only [illegible] human beings, because if you didn't have tissue which is already destroyed, then gas gangrene can never happen." That was the point of view which was correct until about 1905 and if a student in 1906 said that during an examination it was incorrect. I suppose the real situation is that gas gangrene can be caused in two ways, either a tissue is without oxygen and fresh air entering into it, and this can come about in two ways, and this is most important with reference to the instructions I gave for my experiments. Once, if a tissue is eliminated from the nourishing process which I will deal with only in part and perhaps later on I shall have to spend a half an hour in dealing with the theory of the cutting off of tissue, but anyway only if there is a partial cutting off some tissue will die and be short of oxygen. The way in which gas gangrene really comes about is this: Through a change of pressure. I would cut myself somewhat and my hand would be infected with gas gangrene. If I move that hand, the germs will move into the muscular tissue, and if I hit it against this piece of wood as I am doing now, and make quick movements of some sort, then the muscles will contract and then expand, and different pressure conditions will result. At one moment the blood will circulate freely because they are resting or moving rythmiticallt or there will be an absolute cutting off of circulation because during a quick movement I have caused the pressure to be altered, through this change of pressure I have lack of oxygen or free oxygen in the tissue, and these are the conditions causing gas gangrene. This gas gangrene will exist particularly, if apart from gas gangrene, there are other bacteria prevalent, because these germs such as streptococci and stophylococci, and other or injury infections, in other words will eat up all the oxygen first, and would quickly create a high type of gas gangrene, which you will only have at last to deal with. In other words, in modern therapy if I may quote Doman and I will say something quite clearly which I will submit in my second document book. It is [illegible] recognizable with the naked eye to what extent these germs penetrate

into the tissue. In other words, the inflammation and liquid which emerges as a result of the death of the tissue and the death of the cells in the flesh or the dissolution of the muscular tissue, are consequences of the septic effects and not the results of mechanical momentum. It is just exactly the other way around. Serious damage to the muscle is, therefore, not a necessary prerequisite to gas gangrene. Generally, they are the results, the outcome of it. The decisive question, therefore, which I am faced with is this: What is the more harmless or more secure for the human being? Wounding step by step after the partial exclusion of the rotting process with perfect quiet for the tissue, or some sort of injection and movement and alteration of pressure conditions, which I am not capable of controlling, and smear it with something not hygienic, and gas gangrene will ensue, maybe in a joint, maybe anywhere else. This was the decisive question in my instructions for the experiments. I want pictures similar to gas gangrene, this mixture of gas gangrene and not gangrene, that is what I wanted, and so if a serious case history would develop I wanted that it should occur at an accessible part of the body, to which I would have access with all power if necessary. I want to clarify this joke of "controlling persons", I do not know how they were in the case of others and I do not wish to pass judgment on it, but, the texts of 1944 for preventative treatments of wounds say, that is is the decisive means we have in the battle against gas gangrene.

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A. (continued) No doctor in the whole of Germany is guilty [illegible] once in the case of gas gangrene if he is not giving sulfonamide. But, if he does not put the man on the operating table and does not recklessly sacrifice, by means of amputation, all of the muscle tissue then he is guilty. If he decides to inject serum here that is a matter of medical views. Any way, as far as our control persons are concerned when we began our first experiments we had people there. We had 15 men who exposed the wound, apply mixed infection, and then we gave the sulfonamide as he been ordered. Persons might say that you couldn't really expect a proper infection. That is quite true. However, it is an old custom about surgery, that if you proceed on strange territory without an hygienic conditions, and start operating, if you take germs along -- which one must - out of such [illegible] strength. Then any responsible surgeon will plan experiments in such a way that first of all he will try to see no clear whether there may be actual danger of sepsis. This preliminary experiment involved 15 persons and showed that the density which was expected was correct. There were no other germs involved, as tetanus. And that during operations no dirt crept in, so that we were carefully stumbling through the experiment slowly step by step. I considered that previous experiment was justifiable.

Q. Which experiment was that? Was tetanus not used in some of these experiments?

A. No tetanus was never used. You know the way the problem occurred in Germany at the time, namely, we knew sulfonamides had no effect on tetanus, and the tetanus problem in this [illegible] was fully solved. Not in one of these reports would you find any long winded discussion about therapy with tetanus serum and antitoxins. We neither artificially created tetanus,

nor did any tetanus ever crop up through any accident.

Q. These fifteen male experimental prospects we are talking about, did they suffer any permanent damage to their health?

A. I have told you that they suffered no damage, and were all right after a brief period.

Q. Well, they why were experiments on professional male criminals not continued?

A. Now we come to some circumstances where we should see a sudden complete change against any suggestion or agreement. I was hoping that the thing would just carry on and that the second actual group would come about approximately toward the second half July, after discussing it with Fischer. He was near there, my conscientious Fischer, came to see me in sick bed and said, "Chief, in spite of your orders I did not continue work today. The experimental subject who was brought to the operating room under anesthesia, was contrary to our orders and agreements, a woman. I was informed that they had been ordered from above which considered the harmless character of the experiments justified that from now on the work was permissible on women." It is Fischer's merit that he remoted right away at once, did not carry out any work and came to me. It is quite possible that there was a heated discussion, I don't remember the details. I may have said leave it to me to solve this out, you are an officer. At any rate there was a stop to my knowledge of the experiments until the middle of August, approximately a fortnight, and during the fortnight I visited those people who had carried out this complete alteration of my suggestion. First of all I went to see Grawitz. Grawitz gave me vague information, [illegible], Himmler, RSHA, and he mentioned often that after consultation with Himmler it had happened the experiments were changed completely. I am convinced to my that the reasons were

on one side that it was so difficult to bring men into the women's camp and also to observe secrecy. And I am convinced that through reports we had to give Himmler, Himmler, received information that the whole thing was so horrible, and I am also convinced that Gravitz himself aired at breaking relations which would enable him to carry our experiments as well. But Himmler decided it with him the breaking of our agreement with indignation. The point of view expressed by Himmler at the time was this: first of all he had come to the conclusion that I was spending too much time and becoming too apparent in connection with the matter. Instruction for the experiments were quite clear and the matter should be allowed to go through and not at all necessary that I should cause an upset. Secondly, he also pointed out to me that these apparently obviously harmless experiments carried out according to plan meant a great reprieve for these people and would be applied to Polish women there, who clearly had been condemned to death already. During these long days I examined the question original again -- whether it was wrong that I should have listened to Himmler's trend of thought and then proceed in the manner which I will shortly describe to you. Of course, it is very simple to state the end of the story and to say -- these poor, brave, valuable women were here infected by a criminal with gangrene and operated on in a disgusting manner. That is not the starting point. The starting point is the fact that women had been sentenced according to martial law, as is customary everywhere. In connection with this, this question I leave open - which German authority was responsible -- that is not known to police after committing acts of sabotage. As a man and doctor, I find it frightful to see women sentenced to death. After the last war and after this war, I

on one side that it was so difficult to bring men into the women's camp and also to observe secrecy. And I am convinced that through reports we had to give Himmler, Himmler, received information that the whole thing was so [illegible], and I am also convinced that Grawitz himself aimed at breaking relations which would enable him to carry our experiments as well. But Himmler decided it with him the breaking of our agreement with indemnation. The point of view [illegible] by Himmler at the time was this: first of all he had come to the conclusion that I was spending too much time and becoming too apparent in connection with the matter. Instruction for the experiments were quite clear and the matter should be allowed to go through and not at all necessary that I should cause an upset. Secondly, he also pointed out to me that these apparently obviously harmless experiments carried out according to plan meant a great reprieve for these people and would be applied to Polish women there, who clearly had been condemned to death already. During these long days I examined the question criminal again -- whether it was wrong that I should have listened to Himmler's trends of thought and then proceed in the manner which I will shortly describe to you. Of course, it is very simple to look at the end of the story and to say -- those poor, brave, valuable women were here infected by a criminal with gangrene and operated on in a disgusting manner. That is not the starting point. The starting point is the fact that men had been sentenced according to martial law, as is customary everywhere. In connection with this, this question I leave open - which German authority was responsible -- that is not known to police after committing acts of sabotage. As a man and doctor, I find it frightful to see women sentenced to death. After the first war and after this war, I

Whether it is one of the greatest disgraces that women should have been utilized for the purpose of war, that women should be introduced as intelligence agents who through their work were responsible for the death of thousands of German soldiers or other soldiers. As much as I loath war I have never seen it, however, that that power which is then endangered by this would not proceed recklessly and bring any no to death who would act as an intelligence agent at the rear or front of the fighting. I think that should be the basic point of view. In this manner Himmler described these women to me. I do not doubt they were wonderful patriots who risked their lives as patriots in war and Germany in some way made a decision.

[illegible] would it be right to say that they were only in a [illegible] sense. I am quite sure that the majority were, but there was [illegible] that there were people who would work for both sides - for the [illegible] of the other, and would supply material against us and then [illegible] were sentenced. There is a great difference between extreme [illegible] and the sheer patriotism that was for ever that always placed power in a state, a power to proceed with strict measures. At any rate, I have no doubt, as Mueller said, that there were women sentenced to death [illegible] no chance only, and there could have been 700 [illegible], I might have. At any rate they had no chance for survival; namely, if the survival was [illegible] experiments. Was it or impossible to assumption in connection with those women for medical experiments? Of course, this [illegible] of volunteering - that is a matter of emergency. Whenever someone has quite definitely and finally been sentenced to death - someone who is young - and suddenly has the chance of being operated on by one of the finest German surgeons who have sulfonamide applied to him and all she sacrifices is a group of muscles in a leg and survives otherwise, surely I had the right to assume that woman would make such a decision. The other question, of course, is that was the chance to survive and that is the great question in all the further developments. We were too in early are entitled to a basic viewpoint - that I was told by my commanding officer here, as the executive power, was planning this. That it did not depend then and on him - that is the other portion. They were given a chance to survive, but a question of survival, that was subject to a political question. In was subject to their loyalty towards the German state. As far as I know, three of them signed such a document and they were settled in Sudetenland Germany. We have been repeatedly mentioned here. The others were antisemitic, antisocial types who remained in the concentration camp and [illegible] allowed themselves tempted into trouble on Germany's side. That is the [illegible] problem of collaboration, all those matters which are sufficiently known to you in this war. Perhaps I may add to [illegible] 1943,

[illegible] public opinion, now [illegible] through that these intelligence [illegible] in touch both with the British and Russian sides, according to [illegible] official views, and from that moment on they no longer had any [illegible] to keep on good terms with [illegible] and quite deliberately acted [illegible] Polish [illegible] of the relationship [illegible] that way, and I do not [illegible] that you can possibly hold it against me that the situation was [illegible] obviously had decided to use Polish troops for these expeditions and I could no longer refuse. On the other hand, I was again at [illegible] to stay out and I can only say that the [illegible] in brought [illegible] by [illegible] to the [illegible] should not be connected [illegible] rather say sorry because I was in order with public opinion. He [illegible] correctly [illegible] could I could talk [illegible] the [illegible] element, [illegible] what we thought meant [illegible] this every Polish [illegible] in this expedition. That [illegible] [illegible] other [illegible] I [illegible] that [illegible] carried out - that the [illegible] war [illegible] the [illegible] affair, the [illegible] given him the plan for the [illegible] [illegible] give up [illegible] rather [illegible]

perfectly harmless appearance in his reports. That, in my decisive attitude to Himmler I had again and again asked the same question: "Is the experiment going to be carried out?" and the answer was "Yes." Then I added: "Right, it will be carried out through me with my medical responsibility."

Q. Witness, you have stated that the experiment would have been carried out under all circumstances even if you yourself had left. Would the instructions have remained the same if Reich medical officer Grawitz had given them?

A. No, definitely not. That is just the difference between Grawitz and myself. Grawitz was after a success and after success. Do not forget that Hitler is in the background all the time and that a decision was expected before the beginning of the new winter. The experiments had to be completed. A decision was wanted and it was only possible if war wounds were created. I am convinced, as I mentioned before, that not one of those Polish women would be alive. It can't be proven to me that the course would have been different. I went in to Himmler with my knowledge, ability, supported by Fischer. That was the guaranty that, apart from torture, these Polish women survived — they remained alive afterwards and did not disappear because they might become publicly apparent. I made it perfectly clear to him afterwards that it meant that foreign countries know that these Polish women lived.

Q. Did you yourself, Dr. Fischer or Dr. Oberheuser have anything to do with the selection of these experimental persons?

A. No. Of course, there the same conditions apply. Fischer had nothing to do with these matters, I had nothing to do with these matters. These women were selected and whenever possible Oberheuser would make preliminary medical checks and if they were selected and were sent on, then there were nine and the experiment was carried out.

Q. Was the selection itself carried out by the N.S.F...?

A. Yes, right from the beginning the selection process was such

and you know there was a large number. I think it was always the figure of 205 which was mentioned which would have been shot under all circumstances.

Q. The experiments were carried out on Polish detainees in such a way that first of all three series of experiments were carried out on three groups of twelve persons each?

A. What I wanted to solve by means of this second experimental group was the task given me in my orders. Mainly, the checking up on the drugs prescribed. It was similar to the grafting cases so long as there was anything in the sulfonamide drugs which I had reason to be up, when the advantages connected with one or the other drug would become apparent and I would be able to discontinue the experiments. Of course, I couldn't stop at the initial instructions. Now, I really had to go over to an infection - localized and clear cut - and for that there is an internationally known instruction. I didn't invent dealing with locus minoris resistentiae - that is to say, the place of least resistance where germs are combined with central substrate. So it wasn't that we inserted dirt, glass, or sand small, and small particularly, which, after all, is the representative dirt in the wound, was replaced by sterile glass, silicate - chemically speaking, well the textiles which entered the wound were replaced by an brand, sterile cellulose - finely ground. I will bear that if you cut yourself using a non-sterile piece of glass, inserting it into a wound, and if you do not cover the cook, then that glass will hold inside without any special symptoms. The only purpose it has is to act as a catalyzator for the germs and to produce chemotaxis for them and easy blood penetration and to possibly damage a few cells slightly. In other words, to produce inflammation in the cellular and most definite way possible for such an experiment. This is the clearest scientific thought in this sphere. We proceeded in just that manner and, in addition, new curative albumol, clotrion, sulfonamides and others, given to the commercial firms who, however, were not without protection because they were taken care of in the old established way.

that you know there was a large number. I think it was always the figure of 20% which was mentioned which would have been shot under all circumstances.

3. The experiments were carried out on Polish detainees in such a way that first of all three series of experiments were carried out on three groups of twelve persons each.

4. What I wanted to solve by means of this second experimental group was the task given me in my orders. Mainly, the checking up on the drug prescribed. It was similar to the previous case so that if there was anything in the sulfonamide drugs that I had reason to be afraid of, then the hemorrhages connected with one or the other drug would become apparent and I would be able to discontinue the experiments. Of course, I couldn't run to the initial instructions. Now, I really had to go over to an infection - localized and clear cut - and for that there is an internationally known instruction which we didn't invent dealing with locus minoris resistentiae - that is to say, the place of least resistance where germs are crowded with contact substances. So it wasn't that we inserted dirt, glass, or sand crudely, the soil particularly, which, after all, is the representative dirt in the ground, was replaced by sterile glass, silicate - chemically speaking, soil and textiles which entered the wound were replaced by as pure sterile cellulose - finely ground. You all know that if you cut yourself with a non-sterile piece of glass, inserting it into a wound, and if you do not cover the wound, that that glass will hold inside without any special aspirator. The only purpose it has is to act as a catalyzator for the germs and to produce obstacles for clots and very blood penetration and to possibly damage a few cells slightly. In other words, to produce inflammation in the effect and most definite way possible for such an experiment. This is the clearest scientific thought in this matter. We proceeded in just that manner and we, in addition, gave the derivative silicol, aldrron, sulfonamides and [illegible], gave to some responsible persons who, however, were not without protection because they were taken care of in the old established way.

[illegible], did you go along with the suggestion that I had to know the pre-[illegible]ption regarding sulfonamide [illegible] any such plan should always be considered bad medicine because it is no longer anything original. [illegible] is characteristic [illegible] with sulfonamides and that is that you give a terrific dose - [illegible] the beginning, and here there is a question of whether it is correct to start really, to start intravenously or to have it orally. [illegible] this is and everybody will have a different combination and that is just what we did. I would be a [illegible] if I would [illegible] for [illegible] that I have [illegible] stopped after the third day. [illegible] In Pasteur [illegible] but my [illegible] - my pre-arranged [illegible] today, we do not know the correct way for application of [illegible]. It was obviously clear that there was a strong impression made by sulfonamides and, even in the first group, it was a temptation to find a certain result; that the drug as such is useful but not for practical purposes. Amongst other things [illegible] and simultaneously in-[illegible] the [illegible] of [illegible] together with sulfanamide powder. That was the only exception [illegible] in the first group and that didn't produce any results. So, if I [illegible] volunteer then I would have [illegible] that, in fact, [illegible] process. Whether it was [illegible] or whether it was [illegible]. [illegible] would have considered [illegible] principle and I would have [illegible] [illegible] to take a little bag of sulfonamide [illegible] and [illegible] it because [illegible] that if [illegible] both [illegible] I would have [illegible] - [illegible] and the drug - [illegible] in infection. Certainly not, in comparison of [illegible] conditions [illegible] conditions [illegible] point of view. The sulfonamide [illegible] the [illegible] circumstances, but [illegible] is body and the [illegible] in a [illegible] to [illegible], in reality [illegible] would not be [illegible] to nothing. [illegible], of course, the question is [illegible] the [illegible] to produce by not the lowest

service and depth and we know particularly well that sulfanamides have, when employed thus wrongly, caused great harm.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

Q. Witness, before the recess you were speaking of the instructions for the first series ofexperiments of this 35 persons have you anything to add?

A. The second group of 36 women, consisting of 3 times 12, they also drugs received 5 times 2, as I believe I have discussed in the last session, and were the experiments from which expected success. Unfortunately, only local abscesses were caused of a limited nature. By abscess I understand pus surrounded by membrane. There was no outward excess of any sulphanilamide drug. We had one important result: wherever germs and drugs were fed together in the fluid one can speak of complete sulphanilamide success, a result which never existed at the front and during war, especially in the case of abscess, because abscess is surrounded by membrane. We had sent in a temporary report, because we were under pressure of events and absolutely had to have some result. The result was so unsatisfactory that on the one hand, I had to say that the experiments were not quite adequate, that I had a result from sulphanilamide therapy, but not for the front. On the other hand that I could not reject all the drugs, because the rivalry was not clearly settled in view of the limited nature of the experiments. I was attempting this below the line of abscess to not endanger any lives. This report was sent to Grawitz and Stumpfegger, who was with Himmler, and so forth.

Q. To make this clear, the first groupswere the 15 men?

A. Yes, the 15 men in July.

Q. The second group was the 36 women, 3 times 12 women?

A. Yes. Infection, plus contact materials.

Q. Is it true that the Reichphysician SS, Dr. Grawitz, on the 3d of September 1942, in inspecting Ravensbruck demanded that the conditions had to be made more severe in order to make conditions similar to the conditions?

A. At the beginning of September, on the basis of my report, I was called on for consultation by Grawitz, and to report on the results which might be

expected. Grawitz, and as I shall explain later, Stumpfegger, in the beginning of September, came to me. Since Grawitz was coming to Innsbruck and for that reason I turned up on the same day, so that Fischer could demonstrate the patients under my protection. That is the impression which the testimony of witnesses gives repeatedly where they have to wait for a time, and I say these are the patients which I operated on. I mean that war also the same occasion. Grawitz was able to prove to me that the infections were limited and not of a war nature. And he was able to prove to me that I got not any clear medical information, only assumption, and what clinical conditions resulted might perhaps be expected. For another reason the argument became rather violent. Grawitz turned to Fischer, who presented the cases to him. He gave the discussion place --

Q. Please speak more slowly, witness.

A. -- and then he said - fortunately that war like wounds not to be used, that a shooting infection is worth one material cloth. Of course, I did not accept these conditions and I looked for a way out to get the experiment into my hands in such a way that either all safeguards and the degree of infection might be obtained, and cases might still remain under my control. I did not want to give up and say I did not reach any conclusion, so that the wounds similar to war wounds would be created somewhere else. And so we came to the prevention of the third group, and this is a matter of latest resistance in the matter of international experimentation technic.

Q. You did not carry out the order then?

A. No.

Q. Then how were the experiments continued?

A. In war like wounds --- And we started our own technic, the infection in the outer side of the calf far from the joint, where it is not under pressure, where the cast does not hurt it. In other words, we chose the most suitable place, after all medical considerations.

to injected in a place where the bleeding has been reduced and where the circulation of the blood has been reduced. Since this blocking off of the muscles has been called such a horrible thing, I shall further describe briefly the purpose and the effect of this blocking off. The incision in the muscle is about the length of a finger. From those muscle fibres, which are the thickness of a finger, perhaps the thickness of a pencil or a little less in the middle fibre, at the top a loop of catgut is applied and at the bottom. The whole sides of this center part are in the circulation and the so-called collateral circulation. If one square piece of muscle is eliminated completely by tying off the center from the top and the bottom, that is false. One wants to prove that the sulfonamide could not leave the center at all, because there is this loop of catgut at the top and the bottom. One forgets that the blood comes from both sides. The increased quantity is the focus of infection in the center area and do nothing but delay the access of the blood and limit it. It does not stop the blood completely and this is not permanent because the catgut dissolves and is affected by the infection.

In every text book for experimentation one finds this listed as the most favorable way of interconnecting the blood circulation, one that which regulates itself. The consequence is that in this center strip the center strip is not nourished as well as if the blood came from all four sides. Consequently, I can determine almost mathematically where the most serious damage in the whole wound will be. I ordered and directed the infection for it is immediately accessible to operation. If an experiment is thought through to the end at all, then it was in this respect the safety measures were introduced. Just as I had taken the first group without contract arteries

In those cases I left the contract arteries out completely so that there might not be any accumulation of effect on something which I had not done previously. On all the experiments I had operated the arteries, the bacterial infection of streptococci and staphylococci, I had put in first in a group I without gangrene. I have already explained it was that when the joints

are all together that often appears, that they set up the oxygen and therefore anaerobe is especially prevalent. I spread out my method of infection and introduced the greatest measure of security possible. I am convinced that there was no better way to come to this limit or level of infection with anaerobe symptoms, with less danger than with this series of experiments since from the very beginning abnormal special conditions had prevailed, which never happened in any normal wound.

From the very moment of infection when the wound is inflicted, the experimental subject is in a plastic case, completely quiet and he does not have to go to a doctor downstairs and wait under normal conditions.

. Witness, how many persons were in this third group?

A. This was two times twelve beginning in September were the harmless infections and in November or another late in October or probably November was the period for the group with anaerobe. Twelve for the tying off of muscles and twelve for anaerobe. It is not as if everyone with anaerobe may be in contact with nerve and I did not have to cut serious case of anaerobe, there are transition cases that are locally limited which have a certain tendency to develop, which can be dealt with if one is able to resorte to sacrifice the muscle. Unfortunately the element of fate intervenes all medical action and activities in contrast to all clinical things; three people died.

. The witness has said that osteomyelitis was caused artificially; is that true?

A. Osteomyelitis is a disease of the marrow of the bone and to cause that artificially is one of the most difficult problems an experimentator can undertake. The first experiment I had was to cre to an artificial infection in the bone marrow and none of us succeeded in doing that. The bone marrow is such a defense system, the infection decreases. Unfortunately, however, osteomyelitis occurs from outside, one can see that on the picture of serum very well, that an abscess crosses on a muscle for a long time and injures the muscle, attacks the periosteum and then goes through the small channels into partly deep down. These things become dangerous only if

they affect the joint and destroy the joint. If I would discuss the individual cases of the patients who have been brought here, I can show that not a single joint is damaged. Out of seventy five people minus twelve had to do with osteomyelitis.

Q. Were you of the opinion in the new series of experiments, that is, the four subjects, that the experiments could be conducted without fatalities?

A. Yes, of course. Whatever I said at every Congress was proven and the infections were under my supervision from the very beginning. The only real objection to the way they were carried out is the fact that in surgery there is no absolute system of nature, and suddenly an infection is carried somewhere else in spite of all precautionary measures.

Q. Then you are of the opinion that everything was done that could be done according to experiences of medicine to control the wound infection?

A. I am absolutely convinced and in reviewing the experiments, I shall take the liberty of pointing out this single point, which I consider important that a true be scientist has proven to be that in my doings I was no liar or swab to a slightest respect and that in my own conviction as a doctor, I am convinced that I controlled the cases and that is if osteomyelitis occurs and I interfere with the methods of surgery, I am not afraid to sacrifice muscles, to give blood transfusion, and add serums so that I can stop this infection. As far as there is anything certain in surgery, in all the preparations which we made, and I shall come to this point when I describe the points when I come to the lists and curves, it says when they were given sulfanamide when the incision is made, when a second operation has to be performed, when the cast is removed, there is drainage and the counter measures were stated as antitetanic serum was given and blood transfusions.

No German soldier and no private patient was treated differently in case of osteomyelitis at Mohenlychen and I to have given up these three months on my conscience.

Mr. McHaney: If the Tribunal please, I would ask that the witness be instructed to speak in a lower tone of voice. The listeners are not to be influenced more by what he says than the volume in which he delivers it, and we have some difficulty keeping our attention on the English translation when there is such a large volume of German coming from the witness himself.

THE PRESIDENT: The suggestion of Counsel for the Prosecution is, I think, a sound well taken. If the witness would speak in a lower tone of voice and considerably slower, the translation would be much more satisfactory.

DR. SEIDL:

Q. Witness, I have been your answers in such a way that they can be translated in respect to volume as well as speed.

Now if I understand you correctly, you were convinced that the infection could be controlled because the camp Ravensbruck was only a few kilometers from your clinic in Hohenlychen, and that either you yourself or Dr. Fischer or some other surgeon from your clinic could get there in time if necessary to operate and cut out the infection.

A. I had current reports on the patients, and I saw the patients myself at the decisive moments. Fischer had great experience in this field which I have emphasized. We had the curves, the charts, the case histories, and we had the necessary facilities, and we had brought them from Hohenlychen to Ravensbruck, and the patients were supplied with them. Further operations in addition to experiments were therapeutic measures. In order to extract the dislocated pieces of the muscles where the infection had taken hold, it was important that we could be received quickly so that the delay would not permit the infection to spread — it could spread in twenty-four hours — and endanger the patient.

Q. What do you know about the drug, and why was there no injection in these cases?

A. I believe that I can remember the drug, but very well. But I only [illegible] it. I have been asked that. Within the time that I was interned in the sanatorium, all the patients I saw [illegible], it was not in the danger of a general infection, and it is certainly not true that an injection would save the life of the patient, as in the case of tetanus. As I remember the case histories, the most serious outcome was a

large abscess on the hip. Probably the corresponding glands had been affected. The infection on the calf and the abscess on the hip -- what can I amputate? One can amputate when the infection is limited on the calf. We did not have such cases because we forced the infection to the place where we wanted it, but we were not able to prevent that the infection spread to a different region and that it should run on the blood vessels as does happen occasionally. There are infections of the veins, and then the patient dies suddenly, and it is a definite risk to perform any operation because the power of resistance is only on the border-line, hanging by a hair. If we perform such major operations to save the patient's life, then you may believe that we would have undertaken an amputation, or should you not believe that a surgeon of my experience does not know when he has to amputate; and unfortunately that is the first experience that an operator like Fischer learns in wartime; to amputate in time.

As far as I remember the case, were an abscess of the glands, an infection of the veins of the blood vessels, and he died in spite of all to refusal me from overall sickness. This happens in cases of infection when there is no possibility to stop infection by local surgery. But we cannot conclude that any medical measures which should have been taken were overlooked and because just reading case history from a distance one cannot decide that at that moment the patient should have been operated on. I am convinced that in those three cases which Fischer reported to me exactly which I saw and in which the therapy was discussed that we certainly did not overlook anything. I have to emphatically say that we did what we considered necessary.

I wished to see with this report or report it to the public from the beginning. If we did not succeed that I had the method of surgical motives, you may assume that I did everything so that I would be able to publish the results.

.. In the individual series of experiments, what was the immediate aim, that, in your opinion, was the later and the final aim?

.. I have in my description it to you briefly, and in the individual cases there were different aims in the case of the man. In the second

group of thirty-six, you have seen one patient here. After all 60 had been gathered together, you probably picked out the worst cases. They have scars without any secondary damage. But they are not endangered from the infection. It is very difficult to say how is the damage judged here. One can leave the impression up to the layman. One can have the patient describe it himself, or if it is to be useful scientifically for later

generations, one can keep documents for evidence to future generations. German judicial procedure requires the person expressing an opinion to be very clear here. It distinguishes between a limitation of the working capacity of the human being in percentage, and, on the other hand, the court - not the person expressing the opinion nor the patient - but the court considers what suffering he has undergone. It is not so that the cosmetic concept is recognized, but I can understand that in such an exceptional case where non-volunteers were forced to submit to this, - I did not force them, but the German State did - today as patriots they are asked for their opinion. I may express myself as expert in my own case only to this extent, that it seems to me to be going a little too far to say to me the patients would rather have died because as women they would have a bad scar.

For twenty-five years I worked with disabled persons. If there is any concept, it is that a person with the most horrible scars, the most horribly disfigured who is a burden on his surroundings absolutely wants to stay alive if he is any position to reach a decision, and then there is an important concept which may not be omitted, whether the damage can be repaired in the long run.

In modern surgery we have advanced so far that any muscle damage which is cosmetic damage can be compensated for at least to the extent that the scar deformity can be compensated for by sewing the muscle down from above. This must be mentioned because the cosmetic conditions can definitely be improved.

If you will permit me I should say that the first group suffered no damage at all; that the second group had their abscesses and scars without any important loss, no interference with their performance or their appearance, but do have a scar. In most serious examination the damage is under fifteen per cent, and perhaps I might tell the Tribunal under the German concept 33-1/3 per-cent is a total loss of the knee joint, the most important joint of the human being, and 50 to 60 per-cent for the loss of a limb. In the third group as I shall show in individual cases, this is the characteristic of the course of the case according to fate.

The most serious case was Muwirzuk. She was from group 1-without the gangrene; and, as I have demonstrated, and Trosl-Plater, who was from the most serious group in which the case died. If Muwirzuk has twenty-five per-cent, then Plater is not fifteen, and that was the damage? They sacrificed the diseased muscle, and you can see from the two cases scar present in detail that the incision near the joint, that is the one at the top part of the knee joint, and the one at the ankle was the only real danger for the patient, that the abscess might go deep into the joint and destroy the joint, so that the patient would be unable to walk, and that the whole body might be poisoned, which did not occur there. That this did not happen in any of the cases was a reference to the nerve question. Professor Alexander discussed it with me and at the last we came to the same decision, that I may repeat it because it can easily be misunderstood for a layman. The nerve is a cable which runs into the muscle and now a nerve can be destroyed in two ways, either the nerve is injured at the top of the cable, and then that is serious and cannot be repaired or the muscle, the organ to which the cable is attached, as in this case, is in part removed, or a scar is caused, and has grown first to the foundation, and the circulation is interfered with, and then the nerve

has only a limited value, and for years and decades it will recover through massage, and those ankle parts which you have seen are certain to have impaired the function of the foot, but that is no nerve damage. That can be very easily proved, because a good surgeon would not have performed an operation using the muscle supplying in part the same nerve, and in the second place Dr. Alexander from the very beginning was of this opinion because he omitted the electrical nerve damage, which is the only decisive method. It can clearly be seen that the muscle no longer moves and that the poor woman did suffer damage. The important thing in experiments, not because they are my experiments, is that the experts say they are influenced by the cosmetic aspect. On the other hand one can say that the important thing of a disease is the concealing aspect which is not easily recognized or a total loss. On the other hand large parts of muscles have to be sacrificed in these cases, but the lives of these patients were saved by so doing, and it was even so that the joint was not affected. There is not a single case where any joint was in the least affected. Of course, every person has a large group of muscles and if only ten per-cent is destroyed, he can stand on this leg, if the joint is destroyed, if part of the joint is missing or if the limb is amputed, then he is much more seriously restricted.

Giving a full critical view of the situation which I shall describe in detail and with the strictest point of view towards myself and the consciousness that this opinion will be later read by other doctors, I am of the opinion first, in view of mortality, if I take only twelve of the cases where the muscle was tied off and the cases of gangrene, then three of them died to my certain experience. That is twenty-five per-cent, a result unknown in gangrene therapy, but I have taken the liberty of proving that all thirty-six other women should be included because they were not infected with gangrene from other things and with contact materials, and some of them could have died too, in spite of all of our efforts. I believe one can put the twenty-five per-cent in parenthesis with the thirty-six others, which gives you a percentage of death of five to six per-cent. I believe that

there was no other case as serious as Kuwirzuk. I do not recall any such case. I gave them all to the same place and they will probably be present here. The highest damage was thirty per-cent and the lowest fifteen or less. There are serious muscle defects which for therapeutic reasons were carried out to save the joints; there were no amputations. To this decisive point with the understanding of the Tribunal I shall give a very clear explanation: I assert that my orders for the experiments were so complete and thought out so thoroughly from a scientific point of view that aside from matters of fate they could not have been better. I further assert that all therapeutic care humanly possible for these people, all measures for protecting their lives, were first considered, if I doubted whether I should emphasize the scientific assignment or the protection of the people, if I put the groups next to each other and ask you to consider the preliminary experiments to get a quite clear clinical condition, the 36 women with contact material and resting of wounds, so that the abscesses could achieve only a certain extent, and if at last I take the cases where muscles were tied off, and determine exactly where the infection had to occur at a known place to a known extent, immediately accessible to operation, I believe that these are the three most important things to prove, that I contend I acted decently from a scientific or human point of view. On the other hand I know that I will have to prove these three statements and I can change the conditions of the experiments. In transition from the second to the third group, after a long consideration, I kept resting the wounds, as the most normal and secure. I did not permit any action which would drive the germs further in, and cause the gangrene to break out at a place unknown to me. I used the method of tying off the muscle. I ask the Court since I am interested only in the events of this decisive point, to give me a chance in a single way in an experiment on myself, that if I make an incision at the same place, but introduce the same infection at the same place as was done to these women, and then move it, that is, not rest it, gangrene will break out on my leg, but not at the intended place as in all of this group, but somewhere else on my leg, and I ask you in this last article situation without any assistance from outside to permit this experiment because I believe I will thus be able to show the most essential point of our whole work.

A. (continued) Up to now gangrene has been combated only by surgical measures. That is, an abscess which arises somewhere with its surrounding gangrene could never be influenced by chemical means from the outside, but by passing in the sulfonamide by electrical means into the abscess, as Fischer worked it out, I am convinced with any luck the abscess will stop abruptly. I do not need to add that, in my opinion, I ask for this merely as proof for my reputation and my work without any calculation or advantage or other benefit.

DR. SEIDL: Mr. President, in view of the last statement of the defendant Gebhardt I shall submit an application in writing to the Tribunal.

Q. Witness, the first witness here before the Court was a Polish citizen, Karolewska. I shall have you shown photographs which the prosecution submitted as Exhibit No. 11. This is Document NO 1081 and 1081b. To which group did this witness belong?

A. Karolewska was operated on on 14 August 1943. Then she would belong to this so-called second group with thirty-six women where incisions were made and contact materials introduced. She was operated on again on the 6th of September by secondary incision and now she has this healed scar. No damage to the nerves. No interruption to the joint. That is, injuries of 15 to 20 percent, if one speaks in favor of the patient. When the Court considers what the patient had to suffer and how much her total life is influenced, I am convinced that she is the worst of this group and most are better than this case.

Q. The prosecution submitted as Exhibit 225 an affidavit of Jadwiga Kalinska, Document NO-676, page 46 of the English Document Book 10.

A. She was operated on on 15 August 1942. It describes the course of the treatment as she was not given anything to eat, morphium, plaster cast, dressing changed by me, the necessary secondary operations. It says precisely that her leg is healed with the exception of scars. I believe, therefore, that one can say that Kalinska belonged perhaps to the better one and the one presented here was worse. I should think that the second group is more or less between these two.

Q. The next document I will have you shown is NO-877, Exhibit 228 of the prosecution, page 61 of the English Document Book 10. This is an affidavit of Yenina Iwanska. To which group did this person belong?

A. The same group. She was operated on at the same time. The case is the same. Dressing changed by Fischer under my control. She speaks of drainage; she says metal pieces were put in and out. Maybe there was an abscess. She says in her report that she is healed and that later she had drainage from the leg. These three cases more or less describe the second group totally healed. Traces of infection and definite scars as shown were without any important loss.

Q. Another witness who was examined before this Tribunal was Maria Kusnerchak. I shall have you shown pictures of this witness of Prosecution Exhibit 219, Document 1060. To which group did this witness belong?

A. According to this she clearly belonged to Group 3a. That is, in fact her bone there was no osteomyelitis. Her muscle was tied off. The whole clinical course of the experiment is described very well and she says I examined her in November. She had several operations. The scars are seen here clearly. Once the upper, and once the lower joints were endangered and saved by sacrificing the muscle. She is certainly one damaged just severely. She has no loss of nerves but loss of function secondary. Joints are free. The leg was saved. There is no sign that infection endangered the bone as a whole because blood circulation is all right. It is something that can be improved by further operation and treatment afterwards. It can be reduced by at least ten percent. She has no bone scar. Kusnerchak seems effected more than Daidé although Daidé is more seriously ill. I should like to say that Kusnerchak has about 33 1/3% loss, which is equal to the loss of a knee joint and that is a high estimate considering all she suffered and the cosmetic appearance.

Q. Another witness, Maria Brzel-Plater.

A. Maria Brzel-Plater ---

Q. Just a minute, witness. The prosecution submitted the pictures of this witness as Exhibit 209, Document 1079. To which group did this

witness belong?

A. Broel-Plater and Deide both belong to the gangrene group. That is the group showing most serious infection and you will see that the one who was operated on last in that is Broel-Plater, who had the much more harmless condition than Kusnerchak who was from a much more harmless experiment.

[illegible] describes the case. Says that everything was done that was necessary. In some of the later there were no complaints of loss of nerve, no big medical connection, only the two scars, no interference of the bone and only slight infection of the periosteum. That is a very good result which from the most serious group. That could almost be from the medium group. Then there is someone who suffered more, that is Deido.

Q. The last witness examined before this Tribunal is the witness, [illegible] Deido. The picture which Prosecution has submitted is number [illegible], exhibit 214. To what group did this witness belong?

A. She was in the medium group at the end. One can see from her [illegible] infection from the calf muscle [illegible] up and [illegible] encircling the knee joint. From the cross incision at the middle of the knee joint this burn is prevented. And then it was cut in two [illegible] the bone and again by an incision, so that not only this focus of infection is healed but the joint is saved. Deido is a classical example of therapy which combats infection with the knife and prevents affection of the joint. In the case of Deido it is very important to a subsequent breakout was already introduced when [illegible] permit a restoration the loss of function. This, of course, does [illegible] possibility, but is a fortunate chance of improvement.

THE PRESIDENT: Dr. Counsel for the defendant refers to an exhibit which has been offered in evidence by the prosecution and received in evidence, Dr. Counsel's counsel will call attention to three things - the number of the document, the document number as an exhibit, and the page in the English document book upon which that exhibit may be found so that the Tribunal and counsel may refer to that document if it desires to do so.

The Secretary General will return these Document Books to the office and will obtain them from the Tribunal tomorrow morning and put them in the book.

(The Tribunal adjourned until 0930, 6 March 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 6 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the defendant Oberhauser who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court with the exception of the defendant Oberhauser who has been excused on account of illness.

Counsel may proceed.

The witness is reminded that he is still under oath.

KARL GEBHARDT - resumed

DIRECT EXAMINATION - continued

BY DR. SEIDL (Counsel for defendants Gebhardt and Fischer):

May it please the Tribunal, before the defendant states his opinion with regard to the results of the experiments I request permission to offer an affidavit which is located in my document book, on page 33. It is an affidavit of the defendant Dr. Fritz Fischer, and I offer this affidavit in order to shorten the examination and because the important results of the experiments are stated in this affidavit. I offer this affidavit as Gebhardt Exhibit 8. I request the Tribunal to take judicial notice of the contents of this affidavit and in view of the number of pages in the affidavit and the length of the affidavit I refrain from reading the entire affidavit into the record. I only want to read the last two pages into the record because they

important to me. I begin on page 41 with the first paragraph. I quote:

"Therefore, the aim of therapeutic treatment must be to effect a contact also in cases where, in the past, this has not been possible by the usual application for morphological reasons. We may be encouraged in this hope to effect a clinical cure also in cases of abscess forming (and similar forms of strepto and staphylococci infections as angina folliculitis, furunculosis, pleura and joint empyema, phlegmons and purulent osteomyelitis. This is made possible by sending ions through the tissue by means of electrical currents. The direct current between the poles to which sulfonamide is fed, (as electrolyte together with tissue juice) overcomes all barriers of the tissue, such as vascularless callosity, necrosis and line saturated with fluid.

"This method has already been used in medicine before in other directions and for other purposes and is known by the name of iontophoresis.

"For this a low voltage direct current is required, which carries the [illegible] prontosil for instance from the cathode to the anode through the tissue.

"It was therefore proposed to treat with sulfonamide the abscess-forming and similar cases of bacteria inflamed diseases caused by bacteria (especially streptococci, staphylococci and gonorrhea) as angina, furuncle, abscesses, phlegmons and osteomyelitis, by bringing the chemotherapeutics in sufficient concentration by means of the iontophoresis through the tissue directly to the culture of the microbes.

"It was further recommended to make a careful analysis of the bacterial and morphological condition before beginning a chemotherapeutic action in order then to choose the correct drug according to the type of organism (gram-positive or gram-negative) and to make the manner of application dependent upon the prevailing histological structure. Thus, in the case of catarrhal purulent inflammation (meningococci, meningitis, gonorrhea) an oral or intravenous dose would be suitable as well as in cases of initial catarrhal inflammation inclined to form abscesses (otitis media, endometritis) that is, as prophylaxis.

"If, however, the organism is spread over the surface of the tissue like an oil film as in cases of a newly perforated injury to a joint or to the abdominal cavity, a local rinsing with sterile ampulle contents would be indicated.

"For superficial pyodermic processes powder or ointment should be applied (acid-proportion-albucid). In cases of abscesses or necroses, however, a result can be reached only if there is contact between the organism and the chemotherapeutic in the necrosis. Here the method of iontophoresis would be the choice.

"The fundamental conditions would be similar with the antibiotics (penicillin, streptomycin) so that one may expect also by these means an increase of the therapeutic result quotient if they are applied by means of iontophoresis to the seat of disturbance between the body and the micro-organisms.

"The work of Brodersen, Lettre, who pass the alkaloid of the meadow saffron, Colch., to the centre of cancer of the skin by this means, proves that large organic molecules can be conveyed in this manner.

"According to these deliberations it should be considered to prescribe also anti-biotics penicillin and streptomycin through iontophoresis in cases of disease developing abscesses.

Nurnberg, 27 January 1947.

(Signed) Dr. Fritz Fischer."

Witness, you have described the experiments yesterday which were carried out under your direction in order to test the effectiveness of the sulfonamides. Was the result of the experiment such that the question which was made in the order to you was answered in the affirmative?

A. Yes. About the value of the results according to its practical side I briefly summarise and point out that I shall try, in my entire description, according to the state of affairs and according to the motives and the duration to follow the prosecution exactly which has required seventeen days for the sulfonamide experiments. Today I have only reached my third day

I point out that the question of the value of the experiments can be answered with three answers which were given by three lay men. The General fundamentally stated, in the beginning, that all the experiments were without any value, that is, that animal-like, common human beings have done something which is completely without any purpose. Mr. Hardy spoke of the "negative results" of the sulfonamide experiments, in connection with the presentation of the written affidavit. However, Mr. McHaney tried to force Bistock to give a judgment about my person and about the experiments which he did not know in detail and the question of the completely useless torture of Polish women, and I am sure that you do not want to agree with that. Therefore, all three occasions -- and I want to emphasize that very clearly at this time -- three laymen have made a medical judgment and they consulted with somebody and they have given their judgment according to their personal opinion.

I believe in any case that for me this is one of the most important parts of the trial because it is exactly the parallel of what I have seen under Himmler, that is, that the layman tends to concentrate the whole problem into one question. That may be quite possible in legal matters--I cannot say about that--to ask with regard to a certain situation and then with the answer that is in this case a negative result, he then assumes that he knows the whole subject and gives a scientific judgment--and that he tries to give those judgments in the medical matter. May I therefore request that I be permitted to show that it can very easily be said that the results of the sulfonamide experiments were negative in a certain question; that is, if you take the basic initial question--to test the 5 medicines--and therefore the use of the word "negative" result originated with me. International science which will make a subsequent examination will hardly adhere to the medicial decision of Dr. McHaney but they will adhere to the affidavit by Fischer. It shows to what extent the scientific value of this question. It will show that the new will exist true and honorable. I do not want to involve the whole scientific side into this case. However, may I state the practical conclusions connected with our experiments and which are of far-reaching importance? May I take that in contrast to the judgment by the layman in order to emphasize very clearly in the record the manner in which we proceeded?

It was of decisive importance to the front to know if a preventative medicine was found in the sulfonamides. That is, that we were to supply the troops with them, just like the bags which were carried by Allied troops. As far as my field is concerned, we did not follow this train of thought. Himmler discontinued our contacts with the Zybazol Factory although for the time being wanted to establish the same procedure as he had been seen by the Allies.

Q. Another question, witness. Zybazol is a medicine which was manufactured in Switzerland?

A. Yes. Therefore the big question that Himmler did not utilize the special contacts in Switzerland for this medicine and that he did not adopt the sulfonamide bag of Allied troops, and this was decided as a result of our experiments. It was a far-reaching question with regard to the care of the wounded to do with money and funds. If the sulfonamides had meant something of particular importance, then the organization for the Waffen-SS could have been extended to a very large point with young physicians or with any troop medical officers which we might have obtained because we could have just provided the physicians with sulfonamide. Through our results now came the other branches of the Wehrmacht, that we needed fully trained surgeons because we were trying to push operation centers up to the front and that we did not want to use it as a medicine; for the technique in the SS this also had a very far-reaching result. I have taken it upon myself to point out that in particular in the SS an instrument had been invented by a medical officer, whereby sulfonamides could be blown into the wounds through a tube, and that this was to be made possible. In our case this had already been introduced in 2 or 3 divisions. However, we completely abandoned this procedure, purely as a result of the outcome of the experiments. One of the decisive questions was the results in practice with regard to prophylaxis, that is, what should be done with regard to the sulfonamides prior to disease. May I name a venereal disease here as one of the most convincing examples? At that period of time we maintained a point of view that with these epidemics of gonorrhea which existed at that time, that the previous taking of sulfonamide would have a high grade of protection. Now we proved in our results that it was not so important what individual disease we involved but rather the fact was important what the course of the disease was. May I point out to the Tribunal that a disease can progress like a catarrh. Take as an example the harmless nasal catarrh. The whole inflamed tissue fluid goes somewhere around the inflamed spot and then, of course, the germ is in this tissue fluid; if at the same time I can

cannot to bring sulfonamide to that place through the blood, which will [illegible] this tissue fluid, then I will have the result that directly the medicine and the germs will have a contact, and this will have a bigger effect on the cure. However, we have shown that venereal disease and also wounds incurred in combat never actually take that course. There are quite different forms of applying septic means and in every case where the disease does not appear in such a way but where it appears as a profound abscess, surrounded by thick membrane, then of course it is impossible to believe that sulfonamides can be applied from the outside, through the blood, because it cannot penetrate this membrane after the circulation has been stopped from the outside.

One cannot tell me that this has been generally known about that period of time and nobody should tell me that this is already stated in a sentence by Rostock and one should not tell me that that was already contained in American literature at that time, because I have prepared my [illegible] extraordinarily well for this question. However, say I make a short statement now, and show the last of our practical results--that Fischer, in continuing to think of this problem, found a very simple but singular solution and he said "If the germs of this disease cannot be brought together with the sulfonamides because the germs are not contained in the fluid and therefore the sulfonamide cannot get there through the blood because of this membrane, then through a different procedure, by way of electricity, I can overcome this mechanical obstruction and in spite of the membrane which surrounds an abscess and in spite of the membrane which can also surround the germ, like, for example, in the case of tuberculosis, I can now, through this new secret procedure, bring both into contact." I am convinced that if nothing else remains of us, this discovery of Fischer will become a decisive contribution to modern therapy. It is natural that layman [illegible] that. However, they cannot say either that all this does not have any value. For and this time it meant very much to us and of all the experiments, which were almost limited to the absolute minimum,

through clinical and analogical conclusions, that is to say, that we saw that in some cases of the second group where, at the same time, we had simultaneously applied the Marfanil sulfonamide into the wound, thus we immediately established the inner contact, that is when we had this catarrh before us, we saw success. On the other hand, we saw that in case of gangrene we did not have any success, because in the whole vicinity of the area infected with gas gangrene the tissues did inflame and become stopped up and as a result of this they were unable to absorb the medicine.

On the basis of this consideration several of the successes and failures were compared by us which had been previously made by the physicians, and now for the first time we found a clear manner of procedure that there is no contradiction but it is actually so that everywhere the pathogen is running in excess the success is possible, and wherever it is in a form where it is secreted by leucocytes and stopped off it is not possible, and this was expressed in May 1943 and then in the fall I was in Italy and in Spain, and from there I had to be able to obtain information about how far this work had progressed abroad, and I know the literature abroad at this time. The first indication that this matter is connected with the construction of tissue antibodies with Gerhardt and Fischer, the results therefore were not without any value and they did not in any way solve the problem. They are partial contributions to the total field of research. However, I believe that for such profound effort we were able to obtain the information which could be obtained on behalf of the sick and wounded of all countries.

Q. And what conclusions could be drawn for the German Wehrmacht as a result of these experiments?

A. I have stated my view for the last part for these experiments, for us it is that we did not discuss these sulphonilamide drugs, and that with the extreme surgical supply we received with the old procedure, and that we only obtained surgeons from the other branches of the Wehrmacht in order to render the further expansion of the SS as far as possible, and to take the responsibility for it.

Q. As a result of these experiments was a scientific project of the sulphonilamide therapy treated in detail?

A. I believe that I have already answered this question. At that time I expressly stated that I considered this an important partial contribution, that I only wanted to point out that at the conclusion of the experiments, especially as a result of the fatalities, we finished where the practical question with which I had been assigned to us had been solved, where however the matter then only became attractive in the form of research and important. At that time, after we had devoted our interest for the sulphonilamides in excess of the assignment, we had especially emphasized it as our own field

research, and if we had brought up the question of Jerusalem rose, connected with the basic research of the problem in the field, at that time on our own initiative, then at least 500 experimental subjects would have had to be furnished. In contrast to that we stopped where our assignment had been fulfilled, and only subsequently continued the thought and took it at the discussion before international science, just as it has now been summarized once again by Fischer; and as a matter of justice I must emphasize that I only have the clinical power to judge it but that it was the idea of Dr. Fischer.

Q. Witness, in the indictment you are charged with special responsibility for experiments, whose subject was the "Regeneration of Bones, of Sinews, Muscles and Nerves," and further you are charged with special responsibility for experiments with regard to bone transplantations; on how many persons, as far as you can remember, in the case of Ravensbruck were experiments carried out and how many of them were medically operations?

A. I request that especially in this point, where my testimony will be very uncertain for reasons which I shall yet describe, I be permitted to state this uncertainty and to describe what I know, because after all it was so that the prosecution has stated: "And then it was ordered by this man, that additional operations were carried out", that is on my initiative, and we have a certain schedule which has been presented here by Dr. Mazka. The figures stated by Dr. Mazka are false. I can only approximately correct them. However, I would like this to be contained correctly in the record because those things which are used against me and where it was stated in such a way as this had anything to do with the Third Conference. I would therefore like that I be heard in detail, because the director of these things, Dr. Sturfecker, is working at this time in the Russian zone, he has taken the material with him into the Russian Zone, and because there the Vienna broadcasting station, the physicians, who from my school of thought are acquainted with this field, are being called on by the Russian broadcasting station to report. I want to emphasize emphatically, of course, this is in no way about experiments on human beings, but on the problem which I would like to be heard on because it is of primary importance here. The figure is that we tested 60 women with certainty or facts approaching certainty, for

[illegible] homicidal experiments, and 15 men, and that on the other hand by special approval, special order and special task in a direct order from Himmler to Dr. Stumpfegger, as I remember, about six splinters were taken out and the shoulder blade, and that I believe still today, just as Stumpfegger gave me that information that no under the same conditions used six or seven hundred grams from the group of Polish women who had been condemned to death. I could try to give another description here and perhaps say [illegible] criminals, I do not know that. I must say honestly that amongst the affidavits which have been presented here two removals of splinters were made by Stumpfegger. It is probably that the others are in the [illegible]. On the other hand Dr. Mash has spoken about the purpose of the planting of these splinters. I would like to take it upon myself before coming to the person of Stumpfegger, to state my opinion with regard to her testimony insofar as I am far from doubting her testimony in any way, and as a woman and a Polish [illegible] I do not want to act against her inducently. However, I believe I know what activity was had there and that is also very uncertain. Because of the [illegible] we had a thing to do with the X-ray Department, since it was not necessary for us. I personally inspected on no occasion the so-called sick bay. That was at the beginning of my experiments, and as far as I know I took the X-ray operator along, and as I remember at that time there was an X-ray specialist there, Hell, and that was a Polish woman. I believe when I saw this woman here, it was her, but she stated she had seen me but did not recognize me. Here say more, which is quite [illegible] when two were so close on no occasion. However, I believe we saw each other at that time. The entire experiments of Stumpfegger were [illegible] the constant taking of X-ray pictures. In intervals of 8, 14, and 21 days these X-rays had to be taken, so it is quite certain Dr. Latin personally took them, therefore, her testimony [illegible] in this [illegible] since she has never been with Stumpfegger at Ravensbruck and only saw these experiments in what I told you, on the other hand she is an X-ray specialist with internist training; so it is so that in order to judge an X-ray picture of [illegible], there are in Dr only two [illegible] that, that is Professor Fischer and Professor Gillenberg, who primarily occupied themselves with this question.

If therefore I take it upon myself from my knowledge in the sense of [illegible] Stumpfegger I present this here in contrast to the incomprehensible presentation from a false angle made by Dr. Mazuch, then this is done without any hard and attack on this here in question. We were told that these operations had something to do with the operations at Sonnenlychen. This was not stated clearly, however, it could be stated if we had too few nurses there in Sonnenlychen, if you want to speak as lawyers, or that I had not known how to take care of my wounded, and that for this reason I had carried out the resection operations, and I could [illegible] my wounded at Sonnenlychen.

Permit me to point out that this already becomes incomprehensible, because if it had something to do with Hohenlychen, I would have taken care of that in person. Dr. Wazka admitted that she had only seen me in the X-ray room on one occasion and had only seen me at all on one occasion.

If you will be kind enough to examine the affidavits individually, then you will see that my name and the name of Fischer will always appear when sulfonamide experiments are concerned. If, therefore, it had been a question of cardinal operations at Hohenlychen, then the chief of Hohenlychen, who was even interested in the sulfonamides which were no problem for Hohenlychen, extremely intervened in order to help Fischer, he, of course, would have made a personal appearance there also. However, between the results of the work and the procedure of Stumpfegger and the procedure of the operations at Hohenlychen there was the most outspoken contrast of the concept which can be imaginable at all in that field.

From the description of the third conference, I shall permit myself to show what I reported on in the field of bone regeneration and why Stumpfegger could not have spoken at the same meeting, because it was not usual that a man who used to be in my school should make a public speech in contrast to the opinion of his chief.

But please permit me to briefly make it clear in a manner, which is understandable to a lay-man, and to clarify the question which I would never have introduced in this trial if words like the 'removal of splinters', 'nerve regeneration' and the 'breaking of bones' and even the other sentences had not been used by lay-men here, because it is so that there is a clinical concept about setting of fractures, viz, if someone has fractured bones, he must be put in a fracture cast. The fundamental difference between the tasks of Stumpfegger and Hohenlychen were, and I state here that I shall describe it as simply as possible, so that in a subsequent scientifical examination I shall not be reproached with having been too one-sided:

The whole surgery at Hohenlychen was a plastic surgery, that is to say from the parts which still existed with a limb which had been destroyed, that

is from the Body's own parts, I make new joints. I reshape them if enough splinters remain, or I borrow a piece from the vicinity, for example from the leg, and add this part to increase the building material still present. That is a procedure, which has also been used in America by Alby. In Germany it was Lemor and I was perhaps the one who initiated it most. This procedure never had anything to do with another human being or with material procured from another side.

A splinter which is put in that place where insufficient material is available, according to the research carried out by Olby, goes through strong processes, which none of us ever understood but which for the practise are not important at all.

I will immediately come to the conclusion, but I have always described it in the following manner. If I put a piece of the leg bone into a knee joint, which has been destroyed, then you can look at this piece of leg like cigar, which I smoke to the end carefully and slowly so that the form will still be maintained in the ashes. If now I do not finish smoking this cigar entirely, then I will have what exists in the case of the splinter, that is all of a sudden from the rest of the cigar, in order to remain with the example, around the form of the ashes towards front there again grows the tobacco' coll and then more or less it again reconstructs the old cigar. Now there was an argument if this reconstruction came from the sheath around the cigar, that is the bone skin, and this was the old theory of Frau Mehkm or if it originated with the inner core of the cigar. None of us know what this process was, we only know that this process was going on which was perfectly sufficient for the procedure.

Now Stumpfegger had that idea, which did not originate with him. He takes the same cigar, which has been smoked to the end and which for the part consists of ashes which still has some of the tobacco stub left, but he not put it back into the cigar box, viz to the remaining bones, but he puts it into the original tobacco lines and these lines do not only consist of the tobacco cells, viz of the bone cells, but also from the stems of the

leaves, and if these stems are freshly cut the liquid will drop from them and this ferment liquid of the stems corresponds to the pressure fluid of the bones and that is the secret of the construction of the whole bone regeneration.

The age of the human being, and the aftergrowth of the human being, all these questions are dependant on the fact if this pressure liquid is still alive, or if it has already died.

I have taken it upon myself to describe it in this manner, because this was an idea, which was stolen and it did not originate in Germany, but in Kiev and it comes from Pokomolott who discovered this in 1930. When he took this fluid from human beings, he accomplished the reconstruction of bones. I cannot say today how Stumfegger and Ziegler obtained this knowledge from the institute of Kiev. I myself had never visited it and, until I was informed by Stumpfegger of the order, I never knew of this literature. It is in contrast to my entire attitude, as I am the surgeon who operates with tools, or not one who reconstructs joints in that way from tissue through transplantations.

In order to put it briefly, on the same third or fourth of September, when Gravitz was trying to destroy our experiments at Ravensbruck on the direct order of Ziegler that our experiments were too long and wrong, Stumpfegger comes at the same time with the permission for six to ten; Ihzka, I believe speaks of eight persons for this problem, which originated from the Russian Institute and was tested in Kiev in a manner completely unknown to me.

I did not want to claim that they did this in the same way as Stumpfegger and this was subsequently examined. May I point out the risk involved in the experiment, it is such a harmless experiment that in Germany it belonged to operations, which are included in insurance. It was stated here by Rostock that if we need more operations in preparation and which, according to experience are completely without danger to the human being involved and will fully heal up again, that for those things a person, who had been insur

and a soldier could be forced. That is if I wanted to reconstruct a joint, the patient could never be forced to agree with this large plastic operation of the joints, because my big plastic operations are a grave danger; however, if the patient agrees and it was only a question of removing a litt splinter, then the person who was insured could be expected to do that. And the procedure of Stumpfegger was such that from the part of theleg, because that is disponsable for the human being, removed a small splinter of bone with or without the skin around the bone, and turns the same bone by 180 degrees, and then places it back again into the part of the bone, which has not been destroyed.

He constantly took x-ray pictures, and as is clearly shown here by the affidavits in from eight to six weeks, he again took out a small piece, and compared on how these cells were regenerating. Through this procedure he succeeded, as I have already described in detail, that the reconstruction did not come from the splinter or from theoutside, but that it was caused by the vicinity.

Q The approval to carry out those experiments came from Himmler and was directly given Stumpfecker.

A I have already described that this was a problem which was outside my train of thought, that I did not know the preliminary history, that I would never have thought of carrying out this experiment.

May I state briefly that Stumpfecker had formerly been an assistant at Hohenlychen, who in peacetime and until 1941 was working for me, who then went to the front, and who then until the end of the war was the escort physician of Himmler, and that as a result of decisive decision by Himmler, he also became the escort physician of Hitler. That Stumpfecker was elected in this extreme position, has its profound reasons. He was younger than I, and it was one of the incomprehensible procedures inour staffs-also with Doenitz-that nobody wanted to have a collaborator in his immediate vicinity who was older than he himself. This was, perhaps, the reason, why these staffs failed to have too much success. Stumpfegger, just like I, came from the same city as Himmler. He also came from Landshut. He also attended the same school, and he was in the same class with Himmler, while I was older.

He was particularly experienced with the front, and he was prohibited from again going to the front; and as Frau Nesbit stated, in his appearance he was the ideal of the appearance of an SS man.

Stumpfegger, at the time, accompanied Himmler on his trip to the Front, and I emphasize once more that I do not know the connection there, but that I was extra-ordinarily surprised when Stumpfecker obtained this position. I believe also in this point that I maintained the correct attitude.

I was impossible in such a big question, which he had obtained from a foreign laboratory, and which he carried out the experiment in his manner-- which was not done abroad, but I did not know that-- that I should prohibit the escort physic ian of Himmler thathe should carry out these experiments on his own initiative. It was also appropriate with regard to the risk, in comparison with the worries and the precautionary measures which we had to introduce in the case of the sulfonamide experiments. In the same operation I would not have exercised any control over an assistant at Hohenlychen, and I did not even consider taking any part in Stumpfegger's experiments. I have never gone to see him at Ravensbruck, and I have never seen him perform any operation. However, I had myself informed what he was doing, why he was doing it; and I did one thing that, when assignment came to us at that time, asking us to participate in, it, we accepted the order; but Hohenlychen did not play any part in it; and of the seven aseptic operations, none was carried out by us.

However, it was so that I requested Fischer as far as he had contact with Stumpfecker at that time to report that to me, and to establish

certain limits. I have had Stumpfecker tell me, when he was to start in our unit, and he promised me that the same conditions would exist, viz. persons who were condemned to death, and that those people would become free from the death sentence in the most simple manner here; and it is also shown that such persons stream past the witnesses here. And I reserved myself the right that Stumpfecker should submit his final report to me. The report did not reach me personally, but as I can show, it went to a much higher and than scientific agency to which Stumpfecker turned at that time.

Q. If Dr. Stumpfecker wanted to clarify this question, could he not clarify it through experiments on animals?

A. Well, the same thing always applies to animal experiment. That inflammatory diseases and especially the regeneration of tissue in the case of human beings can never be compared with an experiment on animals.

Q. In the indictment there are experiments mentioned which refer to the regeneration of muscles and nerves. Do you know anything about it at all?

A. I can only support myself extensively on the information given to me by Stumpfecker. Stumpfecker personally told me, and he also published that, that he only carried out these two kinds of splinters. But it was only practically used in one case, as I shall be describing. We never tested the regeneration of nerves or the regeneration of muscle.

May I point out particularly the regeneration experiments on nerves are meaningless, because every human being knows that the nerve cannot be regenerated. However, may I emphasize something else in this connection. At the same time, in order to clearly show what my opinion is, no case before the military experiments in the field in which I was interested in,

dix the operation in replacing nerves which is something quite different, I experimented with animals. I can do this by removals, therefore I started in animal experiments and I can bring documents here in the form of affidavits to clarify statements already in the testimony. You find that in the testimony here, that simultaneously with Stumpfegger's experiments until the end of the war, in Ravensbruck experiments on animals were carried out by me. I wanted to solve the question, and I always used to think that this would be a best evidence to show what my thoughts were on this question, because it would have been very simple, if some person is already operating on a bone, also to carry out a bone musclepluasty on the same person.

I shall show with the proper documents that, where my initiative is concerned, the experiment is carried out on animals, and that otherwise there is only the sulfonamide experiment which I was ordered to carry out, as I have tried to describe it. There is a special assignment to Stumpfegger with six removals of splinters which have healed up completely and where no permanent damage resulted. This is clearly shown here by the testimony which includes also one practical operation on the shoulder blade which I shall now describe in detail.

Q. What was your personal attitude toward the reputed order of Himmler to Dr. Stumpfegger to evaluate practically the results of his experiments in treating the wounded? That is, if Himmler gave Stumpfegger this permission, then he certainly must have pursued a certain goal.

A. Because it is such a complex border-line question, and because this experiment is being done in another zone, I only want to state the fact that more than three hundred thousand wounded which have been treated in that [illegible] that [illegible] has published these results, that is, the method to protect these parts, but I have never seen any basis for that. However, this, of course, was the aim which Stumpfegger was pursuing in his work. If he would not succeed the whole regeneration surgery would be ended. Joints would have been completely destroyed and crushed so that no removal could be carried out anymore. By a free transplanting of one joint from one human

joint to another, the damage of the joints could not be overcome.

May I point out that this big problem also was the problem of surgery at the end of the other war.

THE PRESIDENT: Witness, just a moment.

A. And that, for example —

THE PRESIDENT: Counsel, it is not the desire of the Tribunal to restrict the testimony of this witness concerning relevant matters, matters which are relevant to his defense, but I wish you would instruct the witness to answer your questions more directly and at less length. Your question could have been answered very briefly, I think.

BY DR. SEIDL:

Q. Witness, you have heard the instruction. You will give your answers more briefly.

A. Yes.

Q. And will you please make some shorter sentences. You were about to say that already this problem had made its appearance in the first world war, and that towards the end of the war we tried by transplanting shoulders from one wounded to another that joints could be replaced in this way. In this connection may I point out briefly that transplantation is only possible, in order to turn against false descriptions here, it is only possible from the skin and bones and joints. Muscles cannot be transplanted and one cannot transplant a whole limb. It is also a fact, is it not, that in one single case from another person, that is a Polish woman from Ravensbruck, a shoulder blade was removed, and that it was inserted into a patient at Hohenlychen? The witness Dr. Mauke has already given her opinion on this point, even if it was incorrect, and I now would like to tell the Tribunal how this operation came about.

A. Yes. In 1942 Himmler made a Christmas visit to Hohenlychen. On the occasion of this Christmas visit all of our results were reported to him. First of all, they were the results of the sulfonamide with which, of course, he was not satisfied. He was not satisfied as to the kind of results which had been achieved. On the other hand Stumpfegger reported to him in detail and in my presence about the unheard of chance which was contained in this experiment. Himmler as well as Stumpfegger certainly made a wrong estimate at that time about the chance because even today I am still of the opinion that in the case of wounded who have an infection from a previous time such a transplantation cannot be carried out, that it cannot be directly carried out in the course of the years. This argument between us two already was the subject of two different opinions when Himmler made his usual Christmas visit. Unfortunately, at Christmas 1942 the more severely injured female patients of Hohenlychen, the nurse Louise, whose right elbow had been somewhat shot

out. Himmler knew her from former times and he saw her at the Christmas visit and she wasintroduced to him at the same time as the other patients. I was unable to replace this joint and in spite of the order of Himmler no experiment was carried out in this direction because this would have demanded that, in spite of the reason which Himmler gave, a whole joint would have had to be removed from some other human being and that it would have to be transplanted. That is to say, that one peron would remain without a joint. In spite of this Himmler returned to his family with that opinion and I talked Stumpfegger out of carrying out this therapeutic experiment, because he would not have any success with it and as a result two persons would have sustained permanent disability. Stumpfegger maintained a different point of view, that through further experiments he could perhaps improve on his procedure in trying to exchange the joints of a healthy human being. However, this was never carried out and I have not seen any evidence here which would state that this had been done. There was one single middle course and I still believe today that under the prerequisite I was unable to prohibit Stumpfegger for carrying out any experiments with joints. The therapeutic purpose was achieved with the smallest possible damage to the other peron. In Hohenlychen I had a civilian Ladie, I had a syphilitic patient and one who had a growth of cancer and whose shoulder blade as a result of cancerous growth was being destroyed piece by piece. I removed the shoulder blade and I want to emphasize this for the reason that the surgeon usually does not know that. I saw on him to what extent the damage on the shoulder blade had gone, the exact damage is relatively small, and I fully realize that there is a damage because the muscle which is located below the shoulder blade is located between the chest and in this case the patient lost his cancer, because I would describe it this way: If I assume that the result was the same with another patient. This shoulder healed but now the arm could only be lifted horizontally. Now the cancer re-appeared and in front it destroyed the only support which existed, that was the collar bone and I was confronted by the question, what was the usual solution to amputate

the arm, or to irradiate the cancer and let him die in the course of his cancerous growth. At that time and for this I shall take the responsibility, that now I have agreed with Stumpfegger to the extent that I told him I will operate on my own without considering any assistance on your part, and I discussed the matter with the father also, and he can testify to that if I can finally succeed in finding him. If Stumpfegger was to remove another splinter from any joint, then in no case should he take a whole joint, and that he should not transplant it in any case to the wounded or to the nurse, but to the only case which might have a success from a therapeutic chance, that is on a man threatened by cancer who was losing his shoulder, and then on the shoulder blade which is the most dispensable joint, if he was to carry out the operation at all. After long discussions, on the 27th of December 1942 he succeeded, first, that from this experiment no further bone experiments were to be carried out if this experiment was to fail, and, secondly, that the transplantation of wounded was to finally come to a halt, and, third, that the shoulder blade should be inserted for this man who was threatened by cancer. The results justified me in my opinion. The arm was saved and the shoulder blade which had been inserted healed in the form and until 1945 the cancer did not again re-appear, and the man remained alive. For the women or for the man, if I am being charged right now, I do not know who it was, existed the same chance or for a person who had been condemned to death, he would remain alive and the shoulder blade which had been removed amounts to a disability of twenty-five percent, which is less than Kombertuk had, and Stumpfegger took care of and gave medical treatment in this case. In all of the details I only know what Stumpfegger published later on and I cannot testify anything further with regard to this shoulder blade.

Q. Therefore, the result of the operation was that the life of the patient was saved?

A. It was a therapeutic success also and I want to make an exact statement that until 1945 the cancer did not re-appear and he remained

alive, and that is a period of three years, which means something in the case of cancer. Of course, it would not be to the point to say now that from this I must conclude from all the circumstances that cancer would never re-appear again.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: Persons in the court room will please find their seats. The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, did Dr. Stumpfegger speak about the results of his experiments and was a publication made about that?

A. The entire questions about transplantation of bones was published in a different way by Stumpfegger than was the custom and this was done outside. Hohenlychen had one publishing firm, called "Asbrosin", and there is not a single book published in my school which did not have a foreword written by me. The entire results were put before Professor Sauerbruch by Stumpfegger and the German period for surgery, in 1943, published this work, as well as in 1944, in a special volume. I do not know this last edition, but I should like to emphasize particularly that I do not know what Stumpfegger actually gave to Professor Sauerbruch as his resume.

DR. SEIDL: Mr. President, unfortunately it has been impossible to obtain this book of Dr. Stumpfegger's. On the other hand, in 1946, a conference was reported on in a German medical journal, dealing with this work. In connection with this, therefore, I submit as Exhibit Stumpfegger No. 9, this conference from the newspaper "Clinic and Practice" and you will find it on page 49 of the document book.

THE PRESIDENT: What number did you say you gave that exhibit, Counsel?

DR. SEIDL: Exhibit Stumpfegger No. 9. Page 49 of the German and English document books. This is a conference reported in the newspaper "Clinic and Practice" and I shall confine myself to reading the title: "According to work of Ludwig Stumpfegger - Hohenlychen: The free autoplastic bone transplantation in the restorative surgery of limbs, experiences and results." I ask the Tribunal to take judicial notice of the remaining contents of this conference in order to save time and I shall forego the reading of it in its entirety.

Witness, for the further personal security of the experimental persons did you adopt any further steps in connection with Himmler?

A. The last conference in connection with all these experiments were, in my opinion, taking place shortly before the third meeting. That is, approximately in April, 1942. There was definite disquiet which had set in because, on one side, I insisted on general publication, as I shall explain to you later and how it came about, and on the other hand, because at that time news had openly been sent to Switzerland - particularly about those patients with the shoulder diseases had relatives in Switzerland so that the facts relating to all our experiments became known. In fact, I had never wanted them kept secret anyway. The army commandant at Ravensbruck had made a suggestion that these experimental persons should be transferred elsewhere, and I suggested, and I think actually succeeded in seeing it through, for these experimental persons to remain on the spot at Ravensbruck. This and the knowledge which I had of all these matters enabled me to go before this congress and the experimental persons were, in the future, still taken care of in Ravensbruck and not transferred elsewhere.

Q. You yourself, after 1943, did not go to Ravensbruck again, did you?

A. No, I am sure I did not go back to Ravensbruck after that.

Q. Is it known to you whether experimental persons were shot or lost their lives in any other way?

A. I have never heard. Particularly before I visited this Congress and after the news had penetrated abroad and after sources abroad had inquired of me, I made specific inquiries of Mistler, and I consider it as being out of the question, therefore, that at that time particularly anyone of the persons concerned suffered serious damage; at least this was not reported to me and particularly towards the end, when the handing over took place and during the conference with the Red Cross, Mistler right to the end gave the assurance that these conditions would be observed. Whether Mistler could actually judge the situation, considering the chaos reigning at the time, is something I do not know. But I, in good faith, and right from the beginning, informed sources abroad and everywhere else that the experimental subjects remained alive and in the same place.

Q. Would you say that was right in your opinion, in connection with these experimental persons where operations of that type were carried out, that serious permanent damage was suffered?

A. I described the clinical procedure to you earlier and I do not want to go back to it. I should rather like to draw your attention to the experimental persons who are known to this court. They are the same subjects who should be talked about.

MR. SEIDL: Mr. President, during the submission of evidence by the Prosecution, an affidavit of Sofia Schalek was submitted as Exhibit 226. This document is in Document Book No. 10 of the Prosecution, on page 50, Document Number NO-373.

Q. Witness, I am having this affidavit put before you and I should like you to tell us which operation was carried out on this witness and what the damage was that should be attributed to it.

Q. With reference to the previous description I should like to be brief. These are surely two matters dealt with by Stumpfegger. I am sure that both originate from October and in that case it is accurately described at the end what course the operation took similar to what I described before, and that there was complete recovery. Sobulski says that merely a weak ankle bone remained and Mrs. Baj says that "only when I am walking do I feel a weakness of the toes." Clinical findings do not exist herein and I can only refer to what is contained in these documents and that corresponds with that I wanted to describe earlier.

Q. During the submission of evidence by the Prosecution an affidavit was presented from Sofia Baj, Exhibit 227, Document NO-871, English Document Book of the Prosecution 910, page 55. What type of experiment is concerned with in the case of this witness, and what is the damage that should be caused here?

A. I have already mentioned this complaint; now again we are concerned with removal of the fibula as it is more dispensable and it is easily replaced. I do not want to deal with the procedure, I merely want like to refer to the final statement of the matter which she makes, in that she says "When I am walking, my toes are somewhat weak."

Q. What do you know about operations which, according to the statements from various witnesses, were carried out in the summer of 1943 in the public hospital of the concentration camp at Ravensbruck?

A. In the connection, according to which, outside of the multitude of reports which we know, that there should have been any such outside operations, I have heard of this for the first time here in court. I am sure that Stumpfegger had already completed his work because he published it in the autumn and at that he sent his reports to Sauerbruch. I myself was not there in the summer of 1943. I was just at that particular time lying in hospital, as surgical clinical surgeon, having previously crashed with an airplane. I think that I can remember correctly although I can't say it with certainty, that the attempt at Marseilles where the exceptional position of our General Consul Spiegel had been blown up in

the 12th or 13th of August--all I know is that it was in August. At any rate, on or about the 15th or 20th I was in Marseilles, operating on wounded personnel and only now, afterwards, can I reconstruct the case from letters and such documents. Never at any time did I hear details and I want to point out that in the case of the so-called bunker operations the names which are especially mentioned are Dreesser, Ehlers and Hartmann. These were the camp medical officers of the period, all three of whom are unknown to me. Mrs. Mesick in her written deposition speaks about the fact that there were scientific experiments made by Dr. Dreesser. Her conclusion that I would have to know about them or approve of them is quite wrong. During that period I was not present and there were no inter-connections. May I also remind you that Mrs. Mesick was in that bunker herself and Fischer, Oberhauser, Stumpfegger and I were known to her and I think she testified that she did not see any one of us.

4. I shall now turn to the Third Congress of the Military Medical Society taking place in May 1943, which has been spoken about repeatedly here. How did this report of yours during that conference come about and why did Dr. Fischer's lecture come about? What were the purposes which you were aiming at?

A. I made efforts because of the extensive pressure and the inference under which all these experiments were taking place, on the other hand, right from the beginning and contrary to Gravitz, I was of the opinion that at the first possible opportunity these matters should be published. Had Stumpfegger wrote his big book and in the same way I went to this Congress, then I would have gone to the Surgeons' Congress, but I was not prepared to do this--I was not prepared to have myself or my clinic involved in this without submitting the matter to general criticism. In this connection it was my view that we were concerned with completed experiments which were not merely being criticized and were to be exploited. In this connection the entire problem of the previous order and the participants have already been described by me in detail. I do not know, of course, at this point, when Gravitz received the instructions to hold the third meeting

in May 1943, but this must have happened between the November meeting and the May meeting, when it went to the various inspectors of the armed forces departments. They must have received the proposal to assemble their representatives on the dates suggested. At any rate, Gravitz made inquiries to us through official channels, asking us whether I was proposing to participate in this congress and what type of lectures I was bringing along. At that time I had a very detailed discussion with Gravitz and I asked to have the word inter the report from the minutes of this congress. A [illegible] embarrassing incident which has never happened in any such congress--I reported that since now the entire subject of [illegible] Schorlychon is being reported, contrary to the sulfanamide affair, [illegible] Stumpfegger is not being allowed to talk.

If anyone was clear from the beginning, contrary to many other people who at one stage would have to report about these matters, it was I. I wrote to Gravitz, I insisted in spite of all objections and difficulties that contacts in foreign countries should be taken up and that sulfonamide experiments should be reported and that the public should exploit it. I insisted at the same time that everything, including animal experiments and all the work at Hohenlychen should be shown by me so that an impression could be gained as to what I had done and what I had worked on myself. These matters then went to the person I should like to eliminate for a moment who had to prepare the entire matter. Gravitz got in touch with a man from the army staff and made preparations for the Congress. I knew that already four or five weeks before the publication of the program was being sent out.

Following an inquiry of mine, Gravitz in a somewhat peculiar way gave me some information, giving me the impression that it was not for factual information, but that we are concerned with looking into the sulfonamide experiments. After a lot of pro and con and personal contacts made by me with the preparing person, we came fourteen days before the Congress and it had to be printed long before that, without of course knowing exactly all the negotiations between all persons concerned, the title, which I demanded be being selected. This title I wish to emphasize particularly. Right from the beginning it stated on this, "Special Experiments," the words "Human Experiments" was not permitted here. I was satisfied with the words "Special Experiments" since no one author could be discredited enough since before reporting he demand more than "Special."

It also becomes quite clear from the publication of that meeting in the directives at the head where my title is being mentioned, it says here at the head, "Special Experiments" by Gebhardt and Fischer. This was my idea and my proposal and this is why all through we met resistance put by Gravitz.

And the question is, "Who is the person through whom all this took place?" I was asked in 1945 who was the chairman, I searched my memory and

I think it is Dr. Rostock, because quite certainly Rostock was the president of the conference.

DR. SEIDL: Witness, you should speak more slowly.

THE PRESIDENT: I did not get the translation as to who you were under the impression was the man with whom you dealt with.

DR. SEIDL: Witness, will you kindly repeat the sentence?

THE WITNESS: In the previous year I have been asked how the publication happened and I gave the same reply as I am giving now. I mentioned as the President, Professor Rostock and I said that I believe that with this person the whole matter must have been discussed. At the end, Rostock pointed out to me, "This is erroneous, since at that time the preparations took place under Professor Schreiber, who had this armed forces stuff under his jurisdiction." It was only at the moment when the meeting began that Rostock took over the presidency after the program and the conferences had already been carried out. I am not in a position to say today what the concrete details were. All I can say on my own is that Schreiber as preparatory scientific man of the armed forces most certainly must have disclosed the subject to the armed forces. This action therefore must have been taken up in connection with Gravitz and I am convinced that Gravitz and Schreiber were well acquainted with the various differences of opinion regarding the type of publication. This, together with the fact that Schreiber stated in the old trials about my experiences through official service channels, appears to be the evidence that I was wrong. I do not know where the handing of the position of Schreiber to Rostock took place. I do know that I did not give in until it was a "Special Experiments" so that here every reader would see that Gebhardt is trying to show something special.

JUDGE SEBALD: In addition to this title, "Special Experiments" can be put whether or not any other text or subject matter appears, so that in reading the program for the book would know.....

THE WITNESS: I am sorry I cannot quite understand.

JUDGE SEBRING: As I understand, you insisted at least that the lecture to be given by you would be entitled "Special Experiments"; is that true?

THE WITNESS: Yes.

JUDGE SEBRING: Can you state whether or not in the program that was printed any reference was made to the subject matter of the special sulfonamide experiments, or was the title simply "Special Experiments" in the field of sulfonamide?

THE WITNESS: Under the heading "Sulfonamide", point one dealt with "Special Experiments" by Gebhardt and Fischer, so that everyone who would read this would see that with reference to sulfonamide, Gebhardt and Fischer had carried out special experiments and were bringing them up for discussion. That is clearly apparent from the book here today.

May I please say I can hardly hear the German translation?

THE INTERPRETOR: It is the volume on it.

JUDGE SEBRING: In the German field of medical science.....

THE ITEMS: I cannot understand.

JUDGE SEBRING: In the German field of medicine and research, is there a well recognized and understood distinction between those types of experiments which might be denominated as general experiments and those types of experiments which might be denominated special experiments? In other words, on considering the matter of medical experiments, is there in the field of German medicine a well understood distinction between general experiments on the one hand and special experiments on the other hand and if so, will you please explain that distinction?

THE WITNESS: I do not believe so and of course to all of us up to that time there had been no previous example of this type. I can only say that the argument between Gravitz and myself progressed and I presume he must have passed on exactly the same subject to Schreiber at that period.

Gravitz was of the opinion that publication order should only be allowed as a camouflage and that was because of the stir it would cause abroad. I myself insisted, right from the beginning on my point of view

and, that is when the struggle about the terms took place. I do not know if the words, "Special Experiments" originated with me or Gerwitz or Schreiber. In any event, I was satisfied with it, as this is something which one quite clearly might say on reading it, "It is clear to him that something special is coming now." But, it would not be fair to say that we had special factoring, or that there were general experiments or animal experiments or special experiments.

JUDGE SEERING: I then understood, however, you being a medical expert in German medicine, you would have understood by reading that notice or pamphlet when you came to the article, "Sulfonamide - Gebhardt and Fischer, Special Experiments" that that was something that was not in the general field, would that have been your general understanding as a person attending, you would be interested in either the convention or conference?

MR WINNACKER: May I say that I wanted it to be understood in this manner, but of course I must emphasize also that here, as in the cases of all other congresses, everybody would go there without previously reading the program. They might just glance through the names and say, "Well, let us see what will happen." Yes, overall, not particularly agreeable to the word "Special" because it was not characteristic enough to my liking, but it was the only one I could believe that would be clear for publication.

If anyone thinks deeply or clearly or adopts an adverse feeling toward us, that is the special thing that is going to break, that is behind it. I can also imagine that somebody might have said, "Gebhardt, of course, is going to speak about sulfonamide experiments," and glance over the question. My reason was to point it out clearly and undeniably.

BY DR. SEIDL:

Q Witness, during this Congress Defendant Dr. Fischer then talked about the results of the sulfanamide experiments. You yourself had spoken the introductory words to Dr. Fischer's lecture, which of course have been mentioned repeatedly. Will you please briefly mention the contents of your own statement you made at the time.

A. Perhaps in order to make this point perfectly clear, having the wish on the side to spare my way, whereas on the other side I do not wish to implicate anybody, that is, when I say unjustly implicate, may I say first of all that previously there had been continuous correspondence between myself, Gravitz and, as I now know, also Schreiber. Gravitz received from us—and let me get this right in the beginning, approximately, during December or January, but of course, I cannot tie myself down to weeks—Gravitz received from us the final reports about the experiments in Ravensbruck. This contained the entire clinical procedure, including the 15 names of non and the 60 listed women by names or numbers — that is something which I cannot say now—and what had been done with them, and to what extent they had clinically survived. This must have taken place approximately in December or January, because I had this in my hand in writing during my argument with Schreiber. Then followed during the time between January and May, that is to say, I would assume probably somewhere during April, it was our practice to report our subjects and what we were doing to bring them along.

At that point I gave Gravitz detailed information in the sense of the outcome of my experimental subjects, that is to say, how the three groups were listed—the first group of people, the second group of 36 women, and the third group of twice 12 women, together with exact clinical details and all conclusions drawn, which I described so accurately yesterday.

This detailed information Gravitz had at his disposal when he negotiated with Schreiber. Subsequently there were inquiries regarding the type of publications proposed. Whether Gravitz was trying to drop this subject altogether, or whether he was trying to introduce me in a camouflage way—

all these are things which I don't know. But I continued to insist that this would be specially announced in the program under the heading of 'Special', and Grawitz had this information.

Schreiber states that he received the information through official channels but of course during the conference itself I myself was not present. On the other hand, I visited the Congress and during this Congress itself--and I want to repeat this--the program showed the subject 'Special Experiments.' I don't think I had exchanged greetings with Rostock because I was just coming from Hohenlychen, and there was the introductory speech made by Dr. Handloser, and then according to the program Fischer was supposed to speak.

Purely scientifically speaking, the custom then would have been that I would have produced the summary at the end to go with its clinical values. But particularly those internal arguments and difficulties had taken place, and particularly because my conflict with regard to all these experiments was such, and particularly because I wanted to come out into the open clearly and openly, it then happened that I spoke the corresponding introduction which I improvised without informing Grawitz previously, or the President. So that under no circumstances could an understanding prevail or that an assistant of mine could suddenly be facing the matter at the front alone. As far as I can remember, I spoke my introduction clearly, but because of all the inquiries, and interrogations, and stories told, I can only say my what I think I said, something which I almost have forgotten myself. Anyway, in the front, in the center, sat the man who represented the order, Grawitz.

So that no doubt could arise that there was an order, and that the source representing that order was present, my introduction commenced with the words "By order of". Briefly, I shortly described the situation regarding soldiers and regarding the experiments as well as the successful results--I am now thinking of animal experiments and the tremendous value they had for the front. According to my recollection I clearly stated the following:

my order experiments were carried out on people sentenced to death giving them the chance of survival in such experiments as could be properly utilized."

The legal side of the question is not up to discussion here, but I, on the other hand, as the person ordered to carry them out, assume the responsibility for the scientific value and the humane carrying out. That was most certainly the sense of my declaration, although today I cannot refer to each word individually. Quite certainly political was never mentioned since that about makes sense, now don't I know just how I qualified the legal question —I am sure that that doesn't play an important part in this connection.

It was my own view personally that I said "Only on people sentenced to death," but Fischer's opinion is that it was said, "On people sentenced who come from concentration camps," and I think last year I did not mention the words "Concentration Camps." Perhaps, if necessary, I will repeat it here or is this enough? That was my introduction.

And then the lecture began. And it was becoming clear from this story, which I might emphasize right now, that this completed experiment had been carried out on 75 people. We had three curves, large charts, filling the entire wall behind us, and recognizable. We went to being with Group 1, 15 people, because in their case it was not necessary to give a detailed description. In my opinion this was only a narrow strip, just 15 people — infections, abscesses. Then followed combined the 36 women who were grouped in such a way that, according to my recollection, the same drug was always there. In other words, all typical erected persons, all carboxin treated persons, so on and so forth. In connection with this, a description was carried out, according to procedure, which showed minor differences of temperature, such as when eight showed a minor rise in temperature and the eight, a think line went up and a think line went down, according to the custom of projecting into one other such tables. The second group, on the other hand, were those described in general. But it was recognizable

in connection with it what the instructions for these experiments were in detail—the arrangement and procedure, what we had done with them and the result. And on a separate table the two groups of 12 of the last big group were shown. They were clearly shown in such a way that only those two belonging to each other were shown together. I know for certain that special markings apparently made it clear—I think a small knife or something like that, wherever a cut had been made.

Also, the sulfonamide was shown by means of a picture, either showing a small heap of powder, if it was powder, or a small bottle, if there were injections. Furthermore, it pictured equally accurately what the progress was like, clinically speaking. Of course, the three cases of death were clearly shown, so that, in other words—and this is my testimony—the exploitable completed experiment with all its clinical details was shown, as far as it could be shown, in such a manner. And only such places showed groups, summarized groups, where the clinical side of it was insignificant or harmless.

The lecture belonging to it was given by Fischer by speaking about the various graphs. He approximately continued to speak to the point corresponding to what he has summarized already. Then I finally spoke, including the remark that the matter could be exploited, that the matter had been exploited, and that the important point was whether the analogy, clinically speaking, which we were making from it—and incidentally this is the reason why I had been on long-winded before hand, speaking of abscesses—whether this was correct as directives and basic points.

This was the situation and the procedure according to the best of my recollection and I think that Fischer will give the very same story in his principle points.

BY JUDGE SEBRING:

Q Can you recollect at this time, General, about how many people were in attendance upon that lecture?

A The participants of the entire Congress, I think, were 350 to 400 people. That is the entire Congress I am now speaking about. Our group

comprised the surgeons, the pathologists, the pharmacologists. Three groups, I think. I think it should be seen from the minutes. I don't think it would be wrong for me to assume that this would amount to at least one third or half of the participants, but in this connection I want to say that I can't say it exactly but I would say that it would indicate 89 to 100 participants, since we were concerned with three groups.

Q Were those private physicians or were they physicians who held offices, military offices of one kind or another, governmental offices within the framework of the Wehrmacht or of the SS organizations?

A It was the Advisory Congress, which has been mentioned here repeatedly. These were the meetings which began with the introductory words of Dr. Handloser, contained in several publications, the advisors of the hygiene establishments, and the representatives of the Berlin faculty. Then of course Dr. Conti was there certainly since I had the argument with him later regarding the type of my address. There was the man who was responsible for this particular order and that was Grawitz. So that we were here concerned with the officially ordered annual day meeting in 1943 of advisory hygiene officers, with the participants coming from Berlin, such as has already been stated about advisory congresses.

Q After the Convention, had been concluded do you know to what extent, if any, yours and Fischer's lectures, and the information that you gave at that convention or congress was disseminated in written form through the framework of the government or the Wehrmacht, and to whom, if anyone, it was made available officially?

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A. In the so-called Directives of the Advisory Congresses, on those [illegible] from failures which we have made [illegible] the summarized reports from the [illegible] of these congresses, [illegible], as is shown by our [illegible] and [illegible] the introduction, too, I think at the beginning a report of our lecture with the title "Special Experiments". Then I list all the others who spoke on at the [illegible], and [illegible] finally there is a summary showing at the head of it only the extract put out by our lecture mounting to about six or eight lines which was an extract from our final results. Those books were then sent through official channels in such a way as described by Gauleiter Sauckel six months later [illegible] with the complete charts of all the lectures given during this congress, or, at least, the important lectures. I am not sure just how many were included; and they were sent to the advisory medical officers and the service departments concerned, but of course, the distribution in detail isn't known to me.

DR. SEIDL: In this connection, Mr. President, I would like to submit Exhibit Document No. 10, extracts from the report on the Third Medical Congress. [illegible] page 22 of my document book. The [illegible] shows that it is [illegible] place on the 25th to the 26th of May 1943, and I beg the Tribunal to take judicial notice of the index. I now turn to page 23 to which I will turn as an excerpt is because it [illegible] the important context. I quote:

"5. SS-Gruppenführer [illegible] Professor Gebhardt and F. Fischer.

Special Experiments in Bone and Muscle Treatment.

Conclusions:

1. The development of [illegible] in the soft parts caused by bacteria cannot be prevented, even if sulfonamides are applied intentionally, locally or internally.

2. It could not be proved that [illegible] an inflammatory illness [illegible] if the limbs was inflamed by sulfonamides. [illegible] reason that [illegible] fulminant [illegible]

3. Surgical measures are indispensable for a successful treatment of

Infections.

Quotations:

The principle of self medication under such conditions can be injurious if, by accident, the fundamentals of antiseptic are infringed. If, for instance, the powder basis is not dissolved by the tissue fluids, and if the discharge of secretions is prevented by a tight dressing, the wound treated with sulfonamide powder shows a slight tendency to suppuration.

Synthesis of Functions:

The infiltration in the subcutaneous soft tissues shows at an early stage a tendency towards necrosis. The necrosis in the midst of the bacteria-infected tissue. Its surrounding show hyperemic vessels. Access to it by chemotherapeutic agents is very difficult."

Mr. President, I beg you to take judicial knowledge of further reports of further experiments in this case. For, sir, I shall now turn to page 29 which contains the conclusion of those experiments which has so frequently been quoted. I will quote from page 29 of the document book under discussion.

"Sauerbruch relies upon his own therapeutic experiences in the world war. He does not want to reject the sulfonamides, but wishes them to be judged more reservedly in surgery."

"Schwarzer" — also a professor of surgery —"considers the effect of sulfonamides if in doubt, rivaled by penicillin to be better."

"Schlier" — professor of surgery, Dr. Vienna states that "3.7% wound complications were observed in the Vienna Accident Hospital after the use of sulfonamides, before their introduction, 7%."

"Hanover" — who was professor of surgery at the University of Innsbruck. "Transitory pyrexia occurred in the experiment particularly in the effect of sulfonamide."

"Spittler" — professor of surgery at Innsbruck. "It cannot be doubted that sulfonamides have a therapeutic effect."

"Trendelenburg" — professor emeritus of surgery, surgery, surgery, at least

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"The exact surgical treatment of the wound is decisive, but [illegible] is the early prophylactic use of sulfonamides.

"Schönbauer" -- also of Professor Pirquet's, Vienna, states: "Sulfonamides are particularly valuable for infections of the urinary system and for meningitis."

And then finally Professor Schulemann, professor of pharmacology at Bonn says: "The effect of sulfonamides does not depend on their nature but on their surroundings."

Mr. President, on page 30 of the document book, you will find the directives which have been so often quoted. I shall merely quote the first paragraph:

"Directives for the application of sulfonamides.

"Experiments (Gebhardt-Fischer) show the following results: Even the insufficient internal and external application of sulfonamides prevents suppuration of the soft parts due to ordinary suppurative germs. Should it be proved that in the course of the inflammatory disease caused by contusions is influenced by sulfonamides. The sulfonamides should be brought in again, let in the course of combined gangrene therapy."

JUDGE SEBRING: It is not quite clear to me about this directive for the application of sulfonamides. Who was the author of that directive? Are you prepared to say?

DR. SEIDL: The directives contained in page 30 of the document book were testified by the testimony of Gebhardt, and Defendant Gebhardt never said to deliver [illegible] but those were the lectures come of his discussion. Since, however, we are dealing with [illegible] that happened in the past, I personally would prefer if it [illegible] Dr. Gebhardt would [illegible] his views regarding the [illegible] of these directives.

Witness, you have understood, of course, the question of the Tribunal?

A. Yes, Mr. President, I have permission to answer. I shall not quote exactly word for word each individual known to me which each individual surgeon participated in the matter, because, first of all, of course, the time is short,

Of course, I am telling the truth, and, secondly, that I, the medical officer, made efforts to save German repatriates within these limits, and, thirdly, that all the evidence is not only printed but has reached neutral countries either complete with all the documents or partly, at least, probably has reached the hands of the prosecution.

The realization of these experiments took place without any participation of the German Armed Forces. There was this direct order according to the description which I have just given within the responsibilities which I myself had assumed. The decisive factor for the publication of that all the interests and sources of the So is a matter in which I claim the merit of sole. I unquestionably convinced that the Armed Forces aren't in any way interested. Maybe they might have been pleased if we hadn't turned up. On the other hand, I insisted that the experiment would only have its justification even if it is subject to a clear description of its process. The world should it is a source up to then not concerned with the matter at all, the entire picture together with the question: are the conclusions which I have drawn, and is what I am asking for thousands of SS men -- is that right or is that wrong? In which connection, of course, I have the personal wish that my name should enjoy the protection of experts and that the State should not feel obliged publicly the emergency in which I found myself. That was the manner in which I described it to my friend in Switzerland and everybody else. Now publication was painstakingly achieved afterwards and what happened in the lecture was in a manner which I might have described to the friend clearly.

Now filling this with the hope of concluding with a discussion, that so that a fair and just picture could arise from this discussion, a clear cut dividing line must be drawn as follows: Further medical representatives spoke about the question of self mutilation. As far as the experimental part is concerned which can entirely stand or fall on its own merits, namely, Gebhardt-Fischer Gebhardt-Fischer system. As far as the clinical part is concerned, in other words, the question of inquiries to part of hospitals such as

Professor Frey without any connection to me in his own, and therefore as the pathological part, the judgment of bodies and so on and so forth is concerned spoke Professor Ariergast and then another expert also spoke, but he spoke inconsiderably. The evidence of all four speakers, and the remarks made by the German collaborators over all the time during the discussion dealt with and refer to the individual subjects. The only reference made directly to our own experiments was made by Professor Schrauss, according to my recollection, a statement which you can also see in the document book, and Professor Scheuner, the pharmacologist. All the others spoke more or less about the pathological and clinical and pharmacological part, but, of course, I must also add and mention that as far as these complete experiments which were submitted to criticism were concerned, none did raise any criticism to the effect that they were scientifically speaking without value or that they had failure to carry out the final security measures.

On the other hand, there was another speaker who spoke to our subject in relation to the experiments, namely, Schrauss and Scheuner.

The interpretations all these speeches and the directives usually are coupled in such a way that under the president, Professor Ansteck in this case, every lecturer has to supplement his lecture, and that either that lecture is not of a nature to not what is to be included, and that finally in the end, rather except the final result is pictured.

It is my duty to draw your attention specifically to the fact that in this case there is a difference such as is shown by these directives. In the case of every other department, under other authors such as my lord, and so on and so forth, you can see that the experts at the conclusion of their directives or in extract of everything that has been said, of course, always under the presidency of the President of the time. In our case there was a similar situation as far as the other surgical lectures are concerned, a situation which I know exactly because I still have on their five lectures or five other comments, and we did not under Ansteck's -

chairmanship, and as is apparent, we did compile the summary.

The sulfanamide story was so much outside the usual framework of our experiments that a type of description was chosen in which names were not clearly separated from one another listing everybody in detail, and at the end, when they are summarized. I can recollect that the situation was that we ourselves summarized our text and submitted it to the office, the rest being a matching quite external.

JUDGE SEARING: You say you submitted it to the office. To what office? "To the office."

A. To the office. There was no correspondence bureau. There was a difference as far as we were concerned among sulfanamide and the summary for all our legal departments. A new and medical speaking freely, the I, as the medical man, was under Rostock's jurisdiction. There was a pharmacologist; I am not sure under which department he came. There was a pathologist, and he again was under somebody else's jurisdiction, and then I think some one from marketing even spoke, so that there were five completely separate departments. We don't get during discussion, and to my recollection, the situation was that each participant submitted his extract, that is to say, the medical; the pharmacologists -- all the various departments -- and then they assembled at the correspondence office, the office in the correspondence.

To the best of my recollection, and I can state that under oath, that any criticism or any medical discussion or conference was also with reference to sulfanamide, certainly not under Rostock's chairmanship.

JUDGE SEARING: Then it is quite clear from you that at that conference you were in doubt as to the antimicrobial value of your experiments had been carried out, a human being or animals, is that correct?

A. Oh, yes, that is absolutely correct, and it is confirmed, of course, by Professor Troy's statement, who was the official speaker after me. He says clearly and expressly that he knew that our animal experiments were negative, and the human experiments were negative. He only said it to try to prove, as the man who spoke directly after me, that the

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quite inadvertently heard my introduction, something which I must emphasize here is meant to protect Fischer, but it matter was unmistakable. The only thing is that I cannot swear to the word "concentration camp", but it must have been clear that there was an experiment carried out on seventy-five people.

THE PRESIDENT: The Tribunal will now recess until one-thirty.

THE MARSHAL: The Tribunal is in recess until 1330 hours.

(A recess was taken until 1330 hours).

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 6 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, before the recess we were discussing the third meeting of the consulting physicians in May 1943, and in connection with that report with regard to the sulfonamides, together with Oberarzt Dr. Koestler, who spoke about nerve injuries. this report have anything whatsoever to do with experiments on human beings?

A. My previous testimony as I have already pointed out, was that all remaining reports at this conference were limited to purely clinical observations or experiments on animals. In order to state it very briefly, and by I submit some evidence in writing, I discussed the small joint operation in contrast with Stumpfegger, and together with Koestler I made reports and then I have reported about the X-ray pictures and adjoining experiments with animals, and that we made descriptions which show that we only supported ourselves on a clinical basis on animal experiments.

Q. I now come to the fourth conference of the Military Medical Academy which took place in Hohenlychen. The prosecution has presented an excerpt on this subject and how was it this meeting took place at Berlin and not in Hohenlychen? I would like for you to give a brief answer to that question because the other defendants have already made statements on this point.

A. I can only confirm that around that period of time I was the president of the surgical society, and that, because of the fewer of air raids, the locality for the meetings had not as yet been determined, and especially the medical officers from the front were to be given good tickets, so that on my own initiative and without any orders, I offered Hohenlychen to the Generaloberstabsarzt Handloser.

Q. In the report about this conference demonstrations on a special field were mentioned. What was the field?

A. I did not even give a lecture at all. However, I placed my whole clinic at their disposal and above all we demonstrated the sports which were done by the disabled and wounded.

Q. In the course of this meeting did anybody talk to you about experiments on human beings?

A. I have not had any discussion with anybody

neither with regard to the previous conferences, nor in any new connection, and in our surgical program nor such experiments were mentioned. Otherwise, I had to take care of the organizational questions for three or four hundred people and this kept me fully occupied.

Q What other conferences did you attend during the war?

A. I did not attend the first and the second conferences; but the third mentioned the sulfonamides and the fourth was at my place at Hohenlychen. That was the general conference which took place.

Q May it please the Tribunal, I now come to the discussion of those experiments, in which the defendant Gebhardt was not directly participating, but in which the indictment charges him with special responsibility. The first two documents to which I refer are located in Document Book 6. They are sterilization experiments and these are exhibits of the Prosecution No. 216 and 215. The documents are located on pages 56 and 60 of the English Document Book. I am now handing these two documents to you, and these are the two file notes which the defendant, Dr. Rudolph Brandt, compiled, and which quite apparently referred to that same conference, that is the conference which took place in early July, 1942, and which you have already mentioned with regard to the sulfonamide experiments; and now I would like for you to tell the Tribunal who was present at this conference and what subject was discussed there and what agreement was reached.

A May I say in advance most certainly I did not have anything to do with sterilization experiments, and I did not attend meetings in which sterilization of Jewesses was discussed. The uncertainty and the change in this file note, which was made later on, I believe results from the fact that it is a notation which was compiled on two occasions when I remained silent, in order to discuss the execution of the sulfonamide experiments, at Hohenbruck with Inspector Gloucks and in order to see that men were to be sent into the women's camp. I have already stated last year that, without knowledge of these documents, at these conferences I had to oppose a plan of Himmler to establish a big research institute here from the very beginning; and it was ordered that this was to be connected with some woman physician,

without, of course, being able to remember any details. As far as I can remember, the situation was as follows: At the first discussion there was Grawitz, Glauncke, and I, and that here, as I have already described, it was decided that the experiment was to be begun with men and that it was to be carried out on a small group. It is correct to say that Himmler then called Gudberg, who wanted this big institute with regard to hereditary questions and who wanted to become a member of my staff. This was impossible from the very beginning, because we were occupying ourselves with men and because we had agreed on this little group only. I can still only remember that Gudberg also received a research assignment. On the other hand quite certainly in the second part of the discussion Grawitz and I were absent and I believe that this is also indicated by the letter which arose from this file notice and which then several days later was directed to a different distribution and not to me. The file note in this form is incorrect.

Q. The defendant Dr. Rudolf Brandt was not present at this conference?

A. No. May I perhaps say that to my knowledge the reports are compiled in such a way, that the men which are ordered to see the Reich Führer Himmler go by way of the adjutant Grothmann. He has a list of the names there and it is shown in what order were to report. As far as I know this list reached Brandt in the evening. It also contained additional notes by Himmler, which were written on a scrap of paper if he didn't reach immediately a decision. Apparently Brandt only wrote the final letters which he wanted to compose by himself. Brandt certainly did not attend our discussion.

Q. In the same Document Book No. 6 there is on page 1 an affidavit of the co-defendant Dr. Rudolf Brandt. Prosecution has presented this document as Exhibit 141. It is document NO 440. In this affidavit it is stated under paragraph six, "Dr. Karl Gebhardt apparently carried out surgical sterilization in the camp of Ravensbruck". Is this statement correct? Was it necessary for you at all to carry out surgical sterilization experiment, and were you yourself interested in them, or was this only a general surgical problem?

A. As a specialist I did not have any special experience in this field, nor the desire to improve my knowledge. The problem was not discussed at all from the surgical point of view. And, the uncertainty of all statements by Brandt - that he knows that I was there during those days, that something that was discussed - possibly still remembered the location of Ravensbruck but it is important that he did not mention the experiments which began continued for three months, the discussions between Grawitz and myself, and the report to Himmler. He does not mention these things at all. I have never occupied myself with sterilization.

Q. The next document which I intend to submit to the witness is contained in Document Book 11 and is on page 57 of the English Document Book. This is document NO-409 which has been presented by the Prosecution as Exhibit 340. It is a letter from the Physician-SS Dr. Grawitz to the Reich Führer-SS Himmler of the 29 of August 1942.

It refers to the bio-chemical treatment of sepsis. This document came to your knowledge, didn't it? And this is shown by a note by you which reads as follows: "Seen at Ravensbruck on the 3rd September 1942.

Signed Karl Gebhardt."

Did you know beforehand of the execution of these experiments and did you agree with them?

A. I did not have any previous knowledge of these experiments and especially with regard to this document may I state somewhat more in detail what it shows. This is a letter to Himmler. Dated the end of August, and it was signed by Grawitz. It was never mentioned that I was to receive this letter or that this letter was to be routed through me. It does not have any note from me that I countersigned it, or was in agreement with it, in this form. It was not only discussed in Berlin, and, in particular, on the 3rd of September where this discussion took place between Grawitz and me, because of the second group of our sulfonamide experiments. Grawitz, who at that time came in order to show us that he was not in agreement with us, as far as I can recall, brought this description along from Dachau, and we discussed it in detail, because in my part there were many reasons to raise the sharpest protest against it. And, may I point out how much it can be seen from this document how Grawitz planned to publish experiments or describe them in contrast to my procedure. I was gone at that time. Under the point which states, "SS-Hospital, Dachau" - and it actually looks in general as though this was a hospital report. And, most of the case histories also speak in favor of that which I mentioned here. For example, the reference in point 3 to a "joint plastic". It certainly is a big operation which can certainly only be carried out in a hospital. On the following page there is "artificially inserted sepsis". On the second page, the cases of sepsis on the first part were artificially provoked. Then on the other side it is stated that in fatalities we do not have cases of sepsis that were artificially provoked, but ten are mentioned. And, I have proved to Grawitz, that especially on this page how he wanted to describe a

mixture between experiments and clinical results and camouflage. Later on when somebody reads it and comes to the word "artificially provoked" then he cannot decide it any more. Then there was a point with regard to all persons concerned. This was the impossibility to carry out this experiment in accordance with this statement, because it is stated on page 3 that the drugs were to be taken every five minutes, even at night. At the time I didn't even think to give the report to Grawitz. Then I drew a logical conclusion with regard to Himmler and Grawitz in which I not only in this connection concluded Grawitz's influence on our experiments, but I also turned to Himmler and asked him how those bio-chemical experiments were brought about. I requested permission of the Tribunal to permit me to describe the manner of thinking of Himmler with regard to such experiments, and to draw the conclusion from this how impossible it was in certain cases, in spite of obtaining knowledge of it, to effect any change. For, a person who has studied school medicine it is impossible to believe that through homeopathic way of giving of sulphur and phosphorus surgical case histories, like internal case histories, and metabolistic disease, can be influenced. However, in medicine one can take a completely different point of view, and that is the basic conception of bio-chemistry up to homeopathy to which Himmler completely adhered. And we have two sentences where it is described here, that all the elements, that appear in nature, also have traces in the human body. Yes, if one small element is lacking, then a human being is suffering from some disease or other. Therapy and manner of treatment of the bio-chemist is the exact contrast of medicine as practiced by a person who has studied it at school They make test experiments on human beings, and they discover what element is lacking in that human being and no matter from what disease he is suffering the patient is treated with minimal doses of the element which he lacks. Never in the world has it been possible that a typical school practitioner and a bio-chemist have agreed because they want to treat the human being completely in contrast to each other.

From this example you can see now that when I came to Himmler, what madness it was that not only in experiments, but also with patients, ten or twelve different cases should be treated with the same medicine. Then Himmler told me he has one of the most experienced bio-chemist, and a layman, Mr. Leve. And, that is absolutely convinced that this manner of treatment is correct. And, Himmler always attempted to discover old fashioned forgotten remedies, and this experiment, in spite of my objection and in spite of my proof that my surgical patients would suffer from it, was executed for such time until I succeeded in bringing Dr. Leve and Wiesolwocker from Marburg, who had all of Himmler's confidence in this case, those two went to Hohenlychen, and then to make a similar experiment with them on my patients, in order to show that this manner of treatment was not possible. But I was not able to achieve my purpose with Himmler, because afterwards it was said we had not applied the medicine properly, and so on. Therefore, I request one can conclude from this, that it was not so, that Himmler adhered to one certain medical concept, and that, if one accidentally heard of some fitting experiment, one will convince him.

Himmler had a hostile attitude toward school medicine, and from natural science to biochemistry he was accesible to every thought, and when Laue convinced him of the fact that this drug was of decisive importance, then the experiment was carried out. May I state in that connection, that the disclosure of this document had the following three results with me: That Grawitz, who was ready to make up compromises as is shown here, did not allow anyone to tell him anything at all about the sulphanilamide question; that I gave Himmler clear knowledge of the false idea without being able to convince him, because of his favorable attitude toward biochemistry; and that the experiment would perhaps be discontinued, mainly on account of subsequent examinations at Hohenlychen, and I shall give evidence of that as soon as I receive the appropriate testimony of witnesses.

Q You are also charged with special responsibility in the freezing experiments ---

DR. SEIDL: May it please the Tribunal, the next document which I will hand to the defendant is located in Prosecution Document Book III. It is on page 108 in the English text. It is Document No. 314, three one four. It was presented by the prosecution as Exhibit 98. It is a letter from the defendant Rudolph Brandt, which he wrote on the 13th of November 1942 to Dr. Gebhardt. In this letter he notified him that the Stabsarzt of the Luftwaffe, Dr. Ruscher ---

THE PRESIDENT: Counsel, will you please again refer me to the page of the English Document Book No. 3, on which the document is found?

DR. SEIDL: It is in Document Book No. 3. It is located on Page 108.

Q This letter states Dr. Ruscher is to report to you. When did Dr. Ruscher actually report to you, and did you know him before?

A. I have never seen Dr. Ruscher until May 1943. I did not have any contact with him. I was not a member of the Ahnenerbe, and did not have access to any of the special scientific institutes of Himmler. I was not in the so-called circle of friends of Himmler, which financed the whole thing. However, at a meeting or another I received this letter and visited

for Rascher to come and see me. In this report both of the two experiments are mentioned, without any further documents. Furthermore, Himmler addressed me as a surgical adviser, and mentioned a visit to Finland. At that time I did not go to Finland. That was the time when the last experimental group was under way. Then for a short period of time I was at Stalingrad. I was in such condition I lacked all interest at that time. I did not take any action on this and cannot remember the letter, however, I am quite certain it reached me. But Rascher came to me in the spring of 1943.

DR. SEIDL: The next document which I am going to hand to the defendant is also contained in Prosecution Document Book III. It is on page 140, in the English text. It is Document No. 241, and it is Prosecution Exhibit 113, one one three. The subject of this letter is the Notification of Rudolf Brandt to Rascher, that he is to establish contact with him, and that you have already received a report from Rascher about the cooling in air.

Q. What was the contents of this report? In this connection I would like to note that this report was not presented by the prosecution.

A. At the time I received the so-called Rascher sheet of experiments collected for the front, which formed the basis for our discussion, that is by means of dry cold experiments. At the time he made certain suggestions to Himmler with regard to the troops at the front, and this report does not contain anything new except the new dates and this had been used previously. This document, which had been already mentioned, I received the report, no fatalities or anything such was mentioned. On the other hand, writing about freezing experiments on human beings, I did not do so. Later on Rascher came to see me on this subject.

DR. SEIDL: The next document which I am going to hand to the defendant is located in Document Book III, on page 145 of the English text. It is Document No. 231. It was presented by the Prosecution as Exhibit 114. It is a report by Dr. Rascher to Sievers. It is dated the 17th of May 1943.

Q. In this report we see first of all that you trusted Rascher very

sadly in the morning, and that you stated toward him that you would throw out a student in the second semester if you gave him such work, and that you further told him that at 3 o'clock in the afternoon he could again leave by train for Berlin. On the other hand it is apparent that in the afternoon of the same day you received him once more and were in much more of a conciliatory mood at that time. Now, what caused this difference in your behavior?

A. I believe that I can only remember the main situations of this discussion, and of course it did not exactly take the course which was decided by Rascher, because he had the possibility, I not only said it here, to not only hand his letters to Himmler directly, and have two or three with my objection Himmler was already informed about the whole question. On that occasion I saw Rascher for the first time. Two days before he went to the Third Conference, and from all my conflicts and disputes with my experiments, and now finally the Reichsarzt came to see me from the Luftwaffe, and who first of all brings along a surgical work on the basis of experiments in my field, which was to be recommended to the troops at the front. And it was so stupid aside from the experiment on human beings, that something like this could only be requested at home, and Rascher, I know, this, was in contrast to the customs of the German Wehrmacht. He recommended joint bathing facilities for the front, like Sauna baths, and I know a scheme like this could not be carried out in the East. Rascher did not have any experience in regard to the warfare in the open, and then subsequently he carried out the experiments on his own initiative. For the infantry warfare in the East no constructed huts, which I objected to from the very beginning; second, it can be seen very clearly from this letter that I was of the opinion if he wanted to become a surgeon on my staff, then he could be under the orders of the consulting surgeon Gebhardt and from there under Grawitz, and from there under Himmler. However, it would be impossible that by way of the Ahnenerbe that he could do it suggestions in regard to troops. In addition to this he had received surgical training in the same clinic I had attended at Munich, and

had attended any surgical training at the front. He wanted to rehabilitate himself as a surgeon, and I, as professor, was to help him achieve that purpose. It can already be seen by the statement from Gascher with my energy at the time I have tried to obstruct Gascher in all directions, because of the sheet which he submitted, because of the experiments, in everything he tried to do.

Yes, when he was finally asked to say a few words at the end, finally, he lifted up at the end of the speech and he emphasized in his phrasing that everything that he had done, the whole experiment had been ordered by Himmler and that this had only been planned by him for people with him. I believe this was the cause of a telephone call from Himmler, intervened in some manner, so that the whole thing suddenly was stopped because what I had been promising him - that he couldn't rehabilitate in this manner, and everything for which I had approached him was suddenly denied by my superiors. And now I did not trust him, didn't know him, I called Grawitz during lunch time and the situation had, of course, changed very much. I knew for certain that Grawitz told me that the whole thing was somehow the desire of Himmler but he said, when I asked him: "How far are you involved?", "I cannot say that." In any case, the situation was as it would be for any officer. If I see that my orders for very serious reasons which I consider impossible then I was unable to agree with my superiors. But I let him - to it seems rather improbable to me that I was as high a Sturmbannführer. If I had a discussion with Grawitz or had spoken about this Rascher. Therefore, it can be explained what advance Rascher did with Himmler in regard to his visit with my superiors, since he was serving Himmler, every object was impossible. Then he spoke of - as if no man in the world would have liked to have Rascher sent right to, and he limits the question that he should remain with the concentration camp that he didn't want to come under my authority. That it hits Himmler at this point - I may point out the exact spot here in paragraph 3 in which he states that such cases which break with previous clinical experiences cannot be tried out, and when he speaks of at the schedule in my case. That is, he tells Himmler everything which he had to tell him in order to have him - not to take. "Here is a man from a University; he only believes in the school medicine and that they were not learned enough" and he then approaches Himmler with his idea by saying if it is better. The result is that he is transferred to the Ahnenerbe but that he also remains with the Ahnenerbe. That is, without any control

on my part, he remains there as a surgeon. Grawitz was very cautious towards him from the very beginning in the direct reports to Himmler.

Q And subsequently what was your contact with Dr. Rascher? Did you never write a letter to the Defendant Brandt where you discussed the work of Dr. Rascher and where you stated this work was done very superficially and it first would have to be evaluated?

A. In this argument I demanded that he should send me the basis of the previous medical work he had done. The whole report seemed so strange to me that I wanted to see where he came from. However, at the end he already stated that if he could not habilitate as a surgeon on my staff, then with his other secret experiments - I can state here under oath that I did not have any documents about that and I would not have any documents about that and I would not have taken it upon myself to evaluate them afterwards - and as he writes himself that he could have a position with Dr. Prauncastiel by the sanitorium and then he was cautious enough not to submit the documents to me which I had demanded and therefore in the document he hints that the documents were underway and he gives a very short description of his surgical work. Then he admits that this was only a short intermediary report and while there were previously submitted to Himmler, as instructions for the troops - that is, as a decisive report - and that he would work out the details as soon as he obtained the necessaryequipment. At the time, it was clear to me, and I believe that I contributed to a great extent that Rascher was unable to carry out the next experiments until wintertime and if I had had my way he would have gone to the front. He did not habilitate either and after his visit to me his chances were absolutely nil.

Q The next document which I shall hand to the Defendant is located in Prosecution Book 11 of the Prosecution. It is located on page 19 of the English text - page 19. It is Document NO. 512. It is Prosecution Exhibit 241. It is a letter from the Defendant Rudolf Brandt to the Defendant Sievers. It is dated the 29th of September, 1943, and he refers to the blood clotting drug, polygal #10, and amongst other things he stated, and I quote:

"The matter Polygal #10 did not develop as quickly as you and SS Hauptsturmfuehrer Dr. Rascher expected. The Reichs Fuehrer SS has Gruppenfuehrer Professor Dr. Gebhardt. He allowed to become convinced that, for various reasons, it is still necessary to make thorought tests at Hohenlychen which are previously to be discussed by SS Hauptsturmfuehrer Dr. Rascher with a competent physician at Hohenlychen or SS Gruppenfuehrer Dr. Gebhardt personally. I shall also write a few lines to that effect to SS Hauptsturmfuehrer Dr. Rascher and I shall ask him also now to remain objective and cool because things cannot be done as quickly as he originally thought."

What impression didyou have of the blood coagulating drug polygal and what way was it tested at Hohenlychen?

A. The drug Polygal - I believe that was the occasion when in November, 1943 I really discussed the whole question of experiments with Himmler and I request permission that I can state here clearly and also that I can describe what possibilities I had in all of the experiments and also with regard to polygal. It was never so that at the beginning, in the execution that I had any part in the way this question was asked. I was not the distributor either because otherwise I would not always come too late and not go in such wrong ways. However, I have already taken some occasions where with the frontal surgeons these things were done. The same thing was the case with polygal. In 1943, polygal was most certainly sent to our field hospitals and to some of the hospitals at home. In any case, I found this blood coagulating drug somewhere and I know for certain that I heard a reason which caused me to object to this drug from the very beginning. Then when I discovered that Dr. Rascher was involved, then in November I took action. Dr. Rostock has correctly stated that for surgery at home, which is called aseptic art surgery, it was an involved problem to find better drugs in order to facilitate the operations. I also want to state that this drug was better that the others, as I saw in subsequent tests, and that were sent to us in 1944 were a major improvement over this art surgery at home.

However, at the front it was recommended to us differently and, through an accident, I heard that Himmler thought and that this was described as a patent medicine for the front. Himmler always had a very primitive thought. He wanted to have all drugs to enable his troops, even if not totally injured, so that they would come through the combat without severe results occurring. He was trying to give them a patent medicine so that they would not catch any contagious diseases. Now, all of a sudden, the idea had come to him that a man at the front could not bleed to death any more if previously he took the polygal tablets. That is an idea which, of course, is stupid because the bleeding problem does not even exist at the front." That was in the Middle Ages and since that time we have mastered the bleeding and the man dies from shock and infections the big bleeding is a mechanical problem. If a big pipe suffers a whole and a lot of blood spurts then it does not make any difference if he bleeds a little or a lot because he will be dead in a few minutes. But I had the idea that Himmler had to be convinced differently. I used this occasion of patent medicine at the front in order to discuss with Himmler this whole question of experiments. And with this surgical example could not talk about homeopathy or biochemistry or any other witchcraft. And I forced him to finally, in my surgical field, to stop all experimentation and, above all, to prohibit Rascher from carrying out any experiments. The most important part in this document is the conclusion.

The good Brandt, who always had to pass on the general feeling without putting his own personal attitude into it, had to be the intermediary so that Rascher would not come to me without warning: He was to be careful and he was to stay on the subject, he was discreetly given a reference to a specialist with whom he was to discuss the subject, so that I would not do him any harm, and the opportunity is given to him to perhaps discuss the whole problem of carrying out any further experiments. At that time the whole experimenting by Rascher came to an end. I have the impression, and I do not want to argue here, where my influence started and I cannot say either what my influence was, but I intervened in the problem of the experiments, and by sacrificing my person and my name I still managed to achieve a definite order as far as this can be said of such a terrible field. However, I did not sit there like a fat boo, as the Reichsfuhrer-SS said in one translation, and I did not suggest how thousands of people could be killed through useless experiments. At the time I told Himmler what I believed in for the future, and therefore I am proud that I even forced a man like Himmler to introduce a certain order by proving to Himmler, by means of this example, that naturally it had to be recognized by us, and I have already paid for it, that the order and the decision in the totalitarian State is given by the highest authority; However, that it is completely out of question that individual man, without knowledge of a specialized subject, can approach Himmler, and that he decides about the experimentation. In this discussion, and I beg that this be believed, he also had very good arguments on his side. Of course it was not so that Himmler only caused damage with regard to the experiments. Himmler had a very simple method of working — without consideration to the fact whether it was decent or cruel. In all the fields, where former experience had been accumulated according to the literature and according to the human lives, he assumed that something could be discovered here and immediately tell one or two people that this task had to be carried out. For the most part, whenever he used two or three people for that purpose, he did not inform them of the other's work, so that he would have a result which

was not influenced in any way. Of course, he did not only occupy himself with medicine. For example, may I point out that he had dealt with the whole question from porcelain to gold and this was tested in Germany, amidst great ridicule, and in the end a porcelain tax was finally manufactured which was free of any faults. He interfered, moreover, in diets, and the SS was the only unit which obtained food like the English and the Americans, for example that in the morning they would receive porridge, that they would receive oatmeal, and that they would receive their own mineral water. Experiments were, in part, terrible; all of a sudden whole frontal divisions had to drink water only. There was much resistance. On the other hand he established quite a few good things. Concentrated foods and vitamin foods, without any doubt, first originated with the SS. The camouflage jackets, that is the camouflage suits which were given to the troops, also originated with Himmler. The modern winter fur clothing originated as a result of an experiment by Himmler. Well before the beginning of the war in Italy he saw the first amphibious car, and he always developed that with all means, because he felt the future war would certainly be decided by amphibious cars and cars which were able to climb hills, and so on; we had the impression that if he had refrained from carrying out all the experiments on human beings and if he had built amphibious cars, then we certainly would have landed in England. He ruthlessly burdened his people. He already used live ammunition to shoot over the heads of his troops in maneuvers before the war; that is, if troops were attacking and machine guns were more highly effective than with other arms, no real ammunition is used within the 80 meter zone because there will be some casualties. At every maneuver and at all times in times of peace, the SS had casualties through this measure, which always thinks of the unit and never of the individual. All this is characteristic of this man and that, of course, cannot be terminated all of a sudden through a single objection. The eternal subject of dispute 'the Reichs Sport Insignia' which he demanded of every man— that every man had to pass a test for the Reich Sport Insignia if he wanted to receive

a promotion. I will immediately close my example, and I only wanted to show that Himmler collected ideas in an unlimited field, had these ideas tested, and always somehow carried them out the last consequence. Part of them concerned medicine, and he used exactly the same method in this field. He collected old family recipes of which he heard, and suddenly tuberculosis was tested without any medical man from the school ever hearing about it. He depended on bio-chemist research, and he also had this carried out on his own patients and in the concentration camps, without consideration to any objection by any specialist. He used the valuable Polygal and had it used at the front in quite a different manner and he did the same thing in many other fields. It was not possible that we medical men, who had been educated at school, were able to prevent him by objections, because we did not find out these things for the most part; when we discovered them he always had the concept and stated "I know that you school medical men are opposed to it, but this recipe has become lost and now I am trying to develop it particularly against all objections of the school medical men." Now it would be false, no matter what one thinks of his personality, to say that everything he did was nonsense. On the other hand, of course, with regard to human beings, every mistake results in a catastrophe, which has now brought us into the present terrible situation. Therefore, in connection with this document, which shows that fundamental discussions were to take place now and that this was to be brief, and I explained this to Himmler as clearly as I could. I do not believe that I made a very great impression on him. The matter of Polygal was very unpleasant to him, but otherwise he maintained the point of view which he always had, that I know something about my own little field of work, and at Hohenlychen he always called us the unreliable, liberal company which could not be trusted with anything— we always brought word back that we only could work in our own little field, and these were things which could not be explained to him.

However, at the time, in spring 1944, I did have a certain amount

of influence, and I believe that I impressed him by pointing out to him how well known my experiments were abroad. Already before I appeared at the general conference, which has already been mentioned, I had discussions about this in Switzerland; and then in the fall of 1943, in Italy, my clientele was such that it was on the side of those who went over to the English, as well as to the other. Here I could tell Himmler very clearly how the people, who knew me, thought about the fact that we were involved in such matters. I believe that this was the protection of these women. As far as I could I pointed out how necessary it was to create a certain order here and to slow the development.

I would like to claim for myself that new experiments did not take place after this discussion, that is towards the year 1944, that they were not carried out any more in the sense of a large-scale experiment. Apparently these old bacteriological experiments continued - I do not know that. However, I do not believe either that experiments were still carried out on prisoners. That is clear aside from the rest of the bacteriological side. I can state under oath that no surgical experiments took place any more after that time. It certainly was not in connection with my person or in any connection with the Waffen-SS, and I believe that I was able to make it clear to Himmler what basic principles he should adhere to, if he was to continue with any experiments on human beings. This approximately is the basis which later on led to the decree of May 1944.

DR. SEIDL: May it please the Tribunal, the next document which I am going to hand to the witness....

JUDGE SEARLING: Doctor, you have made some statements about being able to bring these human experiments to an end by your influence with Himmler, and I believe that you also said that prior to the time of your sulfonamide experiments on human beings, the experiments on human beings had been conducted without documentation or without official records being made of the matter. Is that correct? Did I understand this correctly, or not?

May I exactly express once more what I tried to say. I know how those scientific experiments were brought about, that is to say if any medical authorities or if any important specialists, for example, Fielding, and how he turned to Himmler I do not know. I would not have been able to oppose them. However, I couldn't have felt myself justified to do that either. If the Chief of a medical agency supports it, then he does take on his own responsibility, as the chief agency of this branch of the Wehrmacht. What I was fighting against, was that there was still quite another way. If, for example, these official experiments of the Luftwaffe were completed, then another or somebody else involved himself in these experiments, and we have all learnt in the course of time how many things were being done and they were able to refer directly to Himmler. I even had the impression that things were done which never overruled Himmler; and I believe that this way of making decisions certainly stopped at that time as far as I am able to overlook it. I cannot give any information whatever about what arrangements were reached with regard to other experiments.

Q. How could it be possible for experiments to be conducted in a free state, such as for example high altitude experiments, freezing experiments, sea water experiments, and those other experiments that have been talked about in these documents, how could it be possible for these experiments to be conducted, unless they had either the approval of Hitler, or had the approval of the head of the particular branch of the Wehrmacht, for whose benefit the experiments were being conducted? I seem to be confused about that. Perhaps you can straighten me out on it.

A. That certainly was not possible. That is what I call the free state experiments. I am convinced that in the high alt-

Ziegler experiments, and on the water freezing experiments, which were carried out officially by the Luftwaffe, that somehow some contact had been officially established with Himmler, and that Himmler approved them. On the other hand, without any doubt, in connection with the experiments of the Luftwaffe, Rascher now continued to carry out those experiments. Certainly not, however, under the control of the Luftwaffe, and certainly not under the control of a physician of the SS, and himself, or through his wife, directly wrote to Brandt or to Himmler. That is what I would call the illegal side of it.

Q. How is it possible in the German Army, or any other Army, for an inferior officer, an officer of small rank, a lieutenant or a captain, to go over the head of his major and his Colonel and his General, and the Commander of his Army, or his Corps, and go directly to Brandt the top of the Government and carry these things on; that is something I can't understand?

A. That is the reason which was a puzzle in the case of Rascher. Rascher was a member of the Allgemeine SS. His wife was a very good friend of Himmler, and from the correspondence it can be seen that out of me, I say now I only know from the documents here, so that I can only draw conclusions. However, it is my impression that there is no doubt that the Luftwaffe experiment was terminated, and that this was reported correctly, and that responsibility went from the officer concerned to the lower one, and that the top officers were in contact with Himmler. On the other hand, it can be seen from the correspondence, that Rascher was writing to Himmler about his private contacts, that he complained about the Luftwaffe, that he requested his transfer, and that he came under my control, and that he came under

the scientific society, the Ahnenerbe, which was directly subordinated to Himmler. Therefore, I would like to answer correct ....

Q. You have touched upon something the Tribunal would like to know about. After you have finished your present answer.

We have heard a good deal about the Ahnenerbe Society, when you have finished your present answer will you be good enough to tell us about the Ahnenerbe, about its constitution, about how it is run, and about its purpose?

A. Yes. I want to anticipate my previous answer, that, of course we had clear channels, and every subordinate to have to submit his reports to the next higher authority, and only the higher authority can give the orders and read the decisions, and the person who gives the orders, of course, bears the whole responsibility, and that was the way as far as possible I tried to carry this out, in my field of competence in the SS. On the other hand, Himmler was the strength when he collected all sorts of personalities, those who were valuable and those who were not, and he immediately occupied himself with every thought with which he was confronted, although I had very much with Himmler in the political and human field, I did not know Rascher. Himmler knew exactly that I would have objected to such a person, and there were arguments and in all the places where we had any contact. However, it was Himmler's conception, that he wanted me with school medicine, and the old Rascher, and a Christian, and he collected all that was necessary. As a result of this all the official channels were avoided, and therefore in the case of the Luftwaffe, as far as I can see it, these experiments which had actually been concluded, were continued, and this of course only meant the whole result which had been achieved; and as I said I had provided that

as I will show later on, it was that I wanted to prevent that an individual physician should have any immediate contact with Himmler.

Q. Now, then you have cited the situation, where little Dr. Rascher was able to go directly to Himmler, instead of making his request through channels; lets forget about Dr. Rascher. What about the men at Strasbourg, who had the skeleton collection, what about Dr. Wim Sohvler, and what about those other people who were carrying on human experiments prior to the time you requested these be made a matter of official records; what about these things, did they go directly to Himmler or did they have to come through channels?

A. May I again emphasize in this respect that I did not know Dr. Ding, or Hirt, and I have only obtained my knowledge from the trial. As far as I understood Dr. Ding in turn talked to Brandt or those the results were submitted to Himmler. Therefore, he kept some official channels, because I really did not know who originated the whole question of the experiments, but apparently they were submitted results. On the other hand I do know Dr. Hirt due to the Ahnenerbe; and I cannot describe the Ahnenerbe very well, but I want to point out the following factor: It was the whole striving of Himmler, and that is why I gave a description of the foundation of the order, to establish in the SS their own science; and that is the whole question of the argument revolving around this point. The people who came from University schools were learned medical officers, of course, professors now established in the Third Reich. Perhaps they could have discussed if the time and the conditions of the in argument which already existed was to be carried. Now, this is a certain step in the Third Reich,

people like Hitler, Goes, etc. were of the profound conception, that in the "third Barbarian Invasion" nothing new and active could arise any more.

And on the basis of this [illegible], a way should be selected; and Hitler was especially characteristic in that respect. For one thing, he takes the few medical officers at our disposal, he does not train them in the old military medical academy in Berlin, which has a tradition of several hundred years, to that he founded a miserable auxiliary and moved to Graz, and of course the results are accordingly very bad.

And as I heard here, Hitler becomes the president of this Ahnenerbe Society. Around him there were two circles, and I was never a member of either one of them. From the time of my schooling and as a result of our family contacts, I was acquainted with Himmler, but he also established a so-called circle of friends around him, and I was never a member of it. [illegible] it. [illegible] personalities and industry. From this circle [illegible] suggestions for all the [illegible] of experiments, which were carried out in the various fields. [illegible] Sievers [illegible] able to give you more information about that than I, [illegible] and did not belong to this scientific institute, this [illegible] foundation in which all the various personalities [illegible] was the Ahnenerbe.

If I can say it with [illegible], that I have often heard, Hitler was a follower of an antique idea, that [illegible] will be that one disintegrated until the [illegible] development creates specialists, individual faculties and individual subjects, he had the idea of the Universal Field University. He made the [illegible] himself into the center of the Universe. This was the circle of friends of the Military Medical Institute, and therefore, [illegible] specialists were, as I do not recall. They were not only medical people, but the actual person responsible was not Sievers, but it was the Director of the University of Munich. I have forgotten his name.

Q. Wüst?

A. Oh, yes, it was Wüst, Professor Wüst. In these circles, there were only, there were physicians, officers, natural scientists in all the various branches were represented. From these people he obtained

relatively much good, and also very much bad. The bad things about it was that he always made the decisions, and the almost tragical factor and our disaster was that when a private idea originated here, then through the personal union of the person of Hitler in this strange group and through the executive person of Hitler, who for example had the concentration camps immediately subordinated to him, and through Commander Hitler, of course all these people could be brought into conflict, just as happened to us; however, I did not understand all that at that time.

May I point out here that our present situation of course has a big advantage. Never in my life have I been mentally as free as now and, of course, I did not want a strange group as here and with such things we occupied ourselves which couldn't work. However, there was one thing characteristic for the Third Reich, the knowledge of the Army, besides the University, beside the old army institutions, beside the traditional things in Germany, was to be placed there together, but no success was ever achieved in making this union.

I want to point out how this problem was solved by Russia, who has solved it. Now, of course, these things always run parallel. Thus, it was possible now that the von Rosenberg was a captain in the Luftwaffe, and that we without doubt in a capital a under scientific control from the highest agencies of Hitler, Hess, Goebbels and at first under their [illegible] wings. However, this group of Rosenberg succeeded in fulfilling his secret contacts to this strange, antique pseudo-circle, and to convince Hitler that, if not quite rightly, the thought was to be taken up, while from all the detractions of the adventurition and soldiers and so on, then this would cause sacrifices, but that better solutions could be attained and this was what Hitler always strived for. Of course Hitler is suddenly from step from the school of education, he is designed to use, because he must obtain a soldier in the war, but, I was able to get this surgeon-teacher under my control, as he was [illegible] assigned to the Abwehr, and [illegible] "Drill" until finally we had the report about his frustrations children, otherwise he would not have been finished.

On the other hand, for example, [illegible] I have never occupied myself with this, [illegible] Hitler via Grawitz, that is the [illegible] which confr[illegible] Hitler with the question of epidemics. I never heard a word about this from Hitler, but in the question of epidemics I do not know whether he was personally interested.

I believe Grawitz approached him personally, but that is only a conclusion. What I want to say was that I had the example of Brucher, I believe I was able to abstract his [illegible] for the best part, and that I confronted Hitler with the question as a man, as a soldier, as a school [illegible], who had been involved in this [illegible] conflict of questions. I was able to make an impression on him so later to the point that he listened to the opinion of the other [illegible] on that subject.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: Persons in the court room will please find their seats.

The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, I am not sure whether before the recess there occurred a mistake in the translation, but I will ask you again is it correct that before the execution of malaria experiments, the freezing experiments, and all of the other experiments, you did not know about them?

A. That is certainly correct. I don't think that I put it in this light. The point and the difficulty in my position itself, in my evidence I would like to point out; I think that I have to describe in these border fields the various conditions of orders were interlocked, but it was not so — I did not conceive the question to be such — that I have been asked about individual experiments, but it was described to me how this may have been carried out.

Q. Mr. President, the next document which I present to the witness, is contained in document book No. 5 on page 20 of the English document book, it is document NO 170-75, which is presented as exhibit No. 135. It is a letter of the Reichsarzt Dr. Grawitz, to the Reichsführer SS Himmler, on the 20 June, 1944, it refers to the assembler experiments, at first we pointed out a request by the Luftwaffe and then we refer again back to an order on the 15 May 1944. Are you able to quote the contents of this order? I should like to point out, the Prosecution did not present this order yet, but it may have the possibility that this will be submitted to you shortly.

A. I cannot declare upon oath what is contained in this order. I am convinced that this order has nothing to do with myself, but that this order probably is a transmittal of experiments from Pohl to Grawitz. I don't know, but I do know exactly why I mentioned my attitude, and I know what I wrote. Whether this is quoted as an appendix in this order, I will see it, but I would like to declare, what to my attitude toward these human experiments was that time and what I submitted to Himmler. Under the pressure of this trial, it is a fact everybody who is in here at the trial will

present this in this light, that the human experiments is absolutely out of the question for any doctor and on the other hand, of if everybody says if this is surely a voluntary experiment, then human experiments will be performed. I may remind you that Dr. Liebrandt, who also mentioned this, that unfortunately in so-called natural science and the development of natural science, the human experiment itself is a heavy problem. It is quite sure least of all for us who are surgeons. At that time I got hold of literature. I attacked the person of Brecher, and I tried to explain my thoughts and impressions about this problem, which I confessed, and on very also that similar occurrences, and I explained them at that time. Many other persons had given his other thoughts on the subject; and I would like to be permitted to show the possibility of human experiments and how I would like to think about those experiments. I would like to compare those. There is no doubt whether the initial case is with the doctor, that a doctor suddenly will try to clarify a problem in human experiments, which he cannot do in any other way. That is the ideal experiment upon himself. We have the example of Dr. Speer who applied a local anesthetic upon himself, who proved it would not hurt himself; and that is only possible in individual cases and by applying this experiment to myself. If the question is on the bacteriological side, I can only prove, if I did not get along with animal experiments, if I make available a larger group, those larger groups, — can include voluntary people. In spite of our discussions on this point I am convinced that the volunteers for this experiment, would never surpass beyond five or six or ten people — if it is an experiment of life and death. This is the real initiator of this idea, plus two or three scholars who experienced these experiments which were carried out. These have been carried out in this regard. On the other hand if you approve a work of three or four or eight hundred, this idea of volunteers receives a quiver background. There are not eight hundred people who are absolutely ready, in clear knowledge that they may die in these experiments, if there is not absolutely a chance for that surviving which is made to

these experiments. On the other hand such experiments are being carried out in a correct character. The basis for these experiments is merely not a doctor, but mostly a group, who support him mentally, a circle of research people, bacteriologists, or very often industry, if they want to press the matter. The little man, for instance in Germany here has to approach a problem with a knowing attitude to get volunteers for these experiments, that do not have the clear knowledge of the whole experiment but one thing, and recruiting for this experiment has to be done and recruiting means that the greatest success is achieved in this way: You can use radio; you can provide money, you can cleverly present it in the press, you can suppress the amount of chance of danger, you can apply it to a circle who is necessible to such sensation, who quite primitively falls for a present; these experiments have been carried out in the whole world, on natives, and on prisoners, and on all sorts of mental deficients, but not bad people, and finally they all agreed that they absolutely would use volunteers for these experiments. In these medical experiments the medical initiative in my opinion is in the background and is not quite decent any more, because mostly it is admitted that these 300 do not know how great the danger is, or that under some pressure or some false position they desired to submit to these experiments. The experiments are represented as voluntary and are carried out in this manner and is to be evaluated this way.

(Question by Dr. Seidl which was not translated.)

A. I told Himmler, I told him clearly he should not introduce such a question which may not be overlooked. This problem, as Rascher asked Himmler, about the idea then Rascher takes the initiative. Rascher does not participate in this experiment. And I may conclude that any experiment was forbidden in the war. Himmler's participants in the experiment, says that has to be carried out in a different manner and on a larger scale. This experiment nobody can classify as a private initiative, as State initiative. So that in these experiments I find absolutely impossible, that the Government of Hitler fundamentally approved and recognized the experiment as legal, not if it was a question of private idea. But, then in the manner of questioning, it must be considered here a problem of the State. And, of making these experiments it has to be stated clearly how and where these experiments are to be carried out, and the responsibility from a high agency to a lower agency has to be stated.

Q. Now we come to the order of 15 May 1945.

A. Therefore, I suggested to Himmler, I don't knowhow far other people suggested to him in the years of the war, - during this catastrophic atmosphere that was prevailing, experiments could be carried out in this way - not according to what the individual doctor thinks necessary. On the other hand the State must not criticize this - how this was carried out. And, therefore, I suggested, as you will see, that a supreme medical authority, or anyhow the supreme agency should state whether this problem was of a military importance at this moment. Then the State should take the decision, whether the experiment should be carried out or not - a doctor would never be keen on these experiments; but if on account of this military situation - which has been approved by the military authorities, for instance, a medical agency or a technical agency, or whoever is the highest authority, think it necessary, then, consequently, it has to be decided quite definitely that impossible people, as Dr. Rascher, should not be responsible for the execution of

this. Then comes the question of the scientific utilization, the humane execution, the problem of supervision and the problem of stopping these experiments. Therefore, at that time I never would have inspired these sulfonamide experiments by myself. On the other hand, an agency, the supreme, suggested this to Himmler, the decision whether human experiments were to legally carried out in Germany or not can only be decided by the highest authority and none below that. On the other hand I can ardently look into it whether the people who make these decisions, and can make suggestions are experts or whether just anybody. Here I will confine myself to the sea water experiments. It is like this: first of all Himmler suggested experiments to be carried out and a German expert guarantees the execution of these experiments. If I am asked if these conditions were fulfilled, whether Himmler had the right experts for the decision, I can only say "Yes". On the other hand it is not like this, that I agreed in this experiment which was carried on in Concentration Camp without any control by us, so that in addition I suggested that one should appoint a supervising internist of the Waffen SS for the carrying out, so that in the concentration camps, the clinical procedure should not surpass limits and be stopped. The question on the other hand, which prison is being dealt with and which place to be carried out is with WVHA, and the place is not to be decided by anybody who is camp leader, but by the supreme agency of the camp. That is not known by Schroeder, nor myself, nor Epdinger, because we did not know the circumstances and cannot judge them. I think the attitude essentially has been complied with. That, as far as I know, no new experiments were started which was not authorized by higher agency for this purpose, and I do not think there were doctors responsible for this who were not experts on this field. As to the side lines of the experiments I do not know about them.

Q. These facts which you describe, now made you support the suggestion of the Luftwaffe for these experiments?

A. Yes. At that time of the war I knew quite certain that the Luftwaffe wanted to have these experiments carried out and that Eppinger guaranteed the execution experiment, but I did not agree the concentration camp should be put at the disposal. I advised a supervisory doctor should be applied. One sees how little Grawitz cared - that supervising internist was not supplied; on the other hand the final decision Himmler made - it must have been passed on in another report, otherwise the experiment had not been started but my attitude had nothing to do with this.

Q. The next document which I have submitted is in Document Book V, page 11 of the English Document Book. Document NO-177, exhibit 133. It is the minutes on the conference on the 20 May 1944 in the technical office of the Luftwaffe. Prosecution, in submitting this document, asserted that at the end of the document there is a remark which has been written by you. At the end there was a pencil written note and I ask you whether this was done by you?

A. This is not my signature on this document. You can see how this was carried on parallel. I have the impression that Schroeder, as he said, visited Grawitz and discussed this, and that they came to an agreement on this. Letter was sent to Himmler by Grawitz, and asked for our attitude to the participants. After this decision has been made by Himmler execution of the experiment was decided on independently of this document. This document seems to be from a discussion of the technical and of the Luftwaffe and not from the office of Schroeder; and that it seems it was sent to Himmler, Brandt or anybody else - stated the result of the correspondence with Grawitz. It is not my signature, and that is not the document that came from Schroeder.

Q. Now I come to the conference on the Lost experiments. The defendant Dr. Gebhardt is accused of special responsibility for that, too. The document which I shall submit to you is in the English Document Book No. 12, page 56, Document NO-005 which the prosecution has submitted as Exhibit 279. I have the impression that this document has nothing to do with the Lost experiments. The subject of this letter is a letter from Dr. Grewitz to the Reichsfuehrer SS Himmler. It deals with the question whether N-substance is a poison gas. What were the reasons for the position which you took in this matter?

A. I can testify to all these things only from memory. I may point out that they happened in 1944 when I was Army Group Physician or shortly before the invasion and these were just minor matters, but I believe that it was the following. N-substance is not, of course, in Lost. It has nothing to do with the Lost experiments. On the other hand, at that time and during the whole war, one of the most important questions was replacement for phosphorus incendiary bombs. They continued to burn on the water, on human beings, etc. I believe N-substance is a mixture of fluorine, halogens, or some such things, which is highly explosive, and the question was of vital importance, not whether it was tested on persons but whether it was a chemical warfare agent, or whether it was an incendiary. I know certainly from some one from Speer's staff, or from Speer himself, that this was not carried out, because N-substance or halogens were so explosive that no matter how they were transported there was great danger of explosion during transport. I believe that our technical office which wanted to put this through and which was competent in this matter had been told by the ordnance office or whoever was competent had been given counter orders and it was not carried out. I do not believe that N-substance experiments were carried out.

Q. The next document refers to the incendiary bomb experiments. This document which I shall have submitted to the defendant is not in the document book. It was submitted separately. It is Document NO-679, which was Prosecution Exhibit 286. This is a record of an expert opinion of Z

January 1942 on a skin treatment for phosphorous burns. The lotion discussed here is called R-17. The prosecution does not assert that you were directly connected with these experiments but it says that, in view of your position as Chief Clinician, you knew about the experiments. Is that true?

A. I certainly did not see these pictures because I would probably remember them. When the experiment was brought up, it was a local question and not in my field. They went to Ding with an English incendiary bomb or Ding to them and then the final report was sent to Grevitz. The lotion certainly was not introduced by us because we had relations and as far as I remember I knew nothing about this experiment.

Q. In the course of the evidence on poison experiments the prosecution submitted Document NO-201 as exhibit 290. This document is not in a document book. It was submitted separately. This is a report of the defendant Dr Mrugowsky to the Criminal Technical Institute in Berlin concerning experiments with akrolein-nitrate bullets of September 1944. The prosecution does not maintain that you were directly connected with the execution of these experiments but in view of your position within the Medical Service of the Waffen SS the prosecution says that you must have known about it. It was tested on prisoners. What do you have to say about it?

A. I learned about this experiment from the indictment against the SS and when I first met Mrugowsky I asked him about it. He says that it was really an execution experiment of the Criminal Biological Office, in which he was involved in some way. He didn't issue any report about it except to the Criminal Biological Office. I am quite certain that I never got it and I don't believe that Grevitz knew anything about it.

Q. In the course of the case the prosecution submitted Exhibit 127, an affidavit of SS General Pohl. The affidavit is in Document Book 4, page 26 of the English text. Document NO-065 under Number 5 in this affidavit says that the Oberarzt at Hohenlychen, Dr. Heissmeyer, received from Himmler personally permission to carry out experiments with tubercu-

losis. What was the position of Dr. Heissmeyer at Hohenlychen? What do you know about these experiments?

A. Within the sanitorium of Hohenlychen there was the lung sanitorium for tuberculosis. Heissmeyer was the chief physician or the deputy chief physician before I came to Hohenlychen. He was, of course, on our staff but he was so independent that, for example, I never entered the sanitorium for clinical reasons and I did not check his work. We surgeons actually wanted to get the lung sanitorium out of Hohenlychen as soon as possible. I do not believe that Heissmeyer ever conducted any experiments, but I do not know. On the other hand, it is true that Heissmeyer was the nephew of Obergruppenführer Reisch, that he knew Himmler, and that he met Himmler when Himmler came to visit us. But it is also true that very early, I believe it was in 1926 or 1929, there were the first tuberculosis experiments in the sense of pure investigation. Heissmeyer was involved in this. I know for certain that Heissmeyer conducted such similar experiments at Ravensbruck by my observations during his work, because for weeks the women passed our building going to and from his sanitorium. Later he went through half of Germany investigating tuberculosis and I arranged for him to visit Professor von Bergmann and report on his work and this was published so the work was certainly correct. As far as any human experiments are concerned, I know of nothing in connection with Heissmeyer.

Q. The same affidavit of Pohl says that, according to his assumption - that is, Pohl's - the Reichsführer SS Himmler discussed medical questions with the doctors whom he knew. I believe that your testimony so far has clarified this point sufficiently.

A. Our position was not such that we were called upon on a certain question, and I could give enough examples when Himmler decided against my point of view in the selection, treatment, resettlement, science of the SS, etc. Pohl cannot have any knowledge of his own on these questions.

A. In the affidavit which you yourself signed, and which the prose-

cution submitted as Exhibit 25, you said, among other things, that at the end of the war you were Army Group Physician. What were the duties which you had in this position and how did you solve the problems which arose?

DR. SEIDL: Mr. President, before the witness answers this question, I should like to have the permission of the Tribunal to read a brief notice contained in Document Book No. 2 which I shall later submit in evidence. It has only two sentences. The High Command of the Wehrmacht issued this pass for the defendant.

THE PRESIDENT: You mean the Prosecution's Document Book No. 2 or Gebhardt Document Book 2?

DR. SEIDL: The defense Document Book 2. A few affidavits are missing and consequently the book is not translated yet.

THE PRESIDENT: Counsel may read the portion to the witness.

DR. SEIDL: I quote:

"High Command of the Wehrmacht, Chief of the Wehrmacht Medical Service, Berlin, 1 November 1944.

"Pass. SS Gruppenfuehrer and Waffen SS Generalleutnant Professor Dr. Gebhardt has received from the Reich Commissioner of the Fuehrer for Health and Medical Service, and from the Chief of the Wehrmacht Medical Service, a special assignment to visit medical agencies and medical installations of the Wehrmacht and Waffen SS and is instructed to report about his observations. All medical agencies and medical installations are to aid SS Gruppenfuehrer Professor Dr. Gebhardt in every way in the execution of his assignment. Signed Dr. Handloser, Generaloberstabsarzt."

BY DR. SEIDL:

Q. Now, will you please answer the question, witness?

A. This page shows what our main worries were at the end of the war: that was to get the supplies through — the medical supplies; I would be quite wrong that I considered myself an army group physician in the usual sense. I did not have the prerequisites for this position, and the work was done by an old medical officer who was appointed under me for that purpose.

After the total collapse in the civilian sector in the West in 1944 after the invasion, and in the East at the time of the retreat from the Vistula to the Oder, that time since Himmler was chief of the Army Group of the reserve army and Reich Minister of the Interior, I tried to save what could still be saved, and I went to him with this memorandum for his aid. I asked him to call Conti, and Conti had to admit that it was simply impossible to supply the civilian sector any more.

Then I was given this authority, and we settled over time to the only column that was still standing — that was the Army — and the supplies for the civilian and military hospitals, which could not be separated any longer, because the air raids had created emergency conditions. I believe that I was able to supply a few thousand people through these orders from Handloser and the work which we did.

Q. Now I come to the last question. What were the measures which you took in view of the imminent collapse in April 1945, especially as President of the Red Cross?

A. I can say only one thing, that as President of the German Red Cross I worked exactly one day, and I had one or two letters. The Red Cross is unjustly charged with me.

On the other hand, the war was approaching my own sanitarium. Himmler no longer knew how we could go on. I was probably the last man who was with Hitler. We discussed all these things once more with Stumpfegger and Hitler. Hitler did not want me to stay with him, but Stumpfegger. I then went back to Himmler. Everything was more or less around my sanitarium, which was about 60 kilometers from the front, and then Ravensbruck was near there.

the last mad orders came that no prisoners could fall into the hands of the enemy. These orders came from Berlin.

I don't know -- if I hear now that thousands of people in spite died in Ravensbruck, I don't know. I can only say that it was my influence, in part, that caused Himmler to call up and say that in Ravensbruck, at least in the days when I was back there -- I came back in April -- certainly no one was killed there then.

Every one of us was negotiating with my available neutral money. Since '43 I had had connections in Switzerland with the International Red Cross, and in '43, for one year, I [illegible] a Swiss assistant at Sachsenhausen, and I was visited by Swiss commissions. On the 16th or 17th of April, a Swiss commission was at Sachsenhausen and at Ravensbruck; it was led by the same assistant who had worked for me formerly. I know for certain that some of the Polish women went back to Switzerland with them at the time, but I have no evidence for the figures now. We had five or six trains, and an enormous motor column, to transport thousands of people from Ravensbruck over there, so that everything was collected. We were under fire from the enemy. It was not my doing, but it was done by the Swedish Red Cross and its chief, Count Bernadotte. In those last unfortunate days, after the Swiss had not come back the second time because of the losses they had had the first time, the Swedish Red Cross came to us, and, unfortunately, Gravitz blew himself up that day, so that the German Red Cross had no one to carry on the negotiations.

For various other reasons, Himmler wanted to negotiate with the head of the Swedish Red Cross. The negotiations were carried on in my house.

The rest of the Poles, women all of them, went in Swedish cars, in cars driven by Poles which I had supplied. They went to Flensburg, under enemy fire, and arrived in Flensburg. I took leave of the Swedes in Luebeck, and then I had to report to Himmler in Flensburg, who had arrived earlier, and I had my last conversation with Himmler. All the Gruppenfuehrers who could be reached used for this question were nearby at

Flensburg. At that time together with Schwerin, I suggested that we should take over the radio, which would have been possible at the time, with the remnants of the SS, and that Himmler should relieve the last SS man from his oath, so that this question would be definitely settled and any thought of illegality would be stopped, and the next day Himmler should surrender at the head of his generals. Schwerin drew it in ink, and for one whole night I urged Himmler, and if the poor brute with his bird brain could remember at all then he would remember how we acted at that time. That was the only time we had not the ascendant.

Himmler hesitated until three in the morning. That I drove the next morning the quarters were empty. A short I sent a letter from Dr. Kappenfick, who was at Flensburg on Doenitz' staff, and then I surrendered with Schwerin.

DR. SEIDL: Thank you.

THE PRESIDENT: The Tribunal has been informed that on Monday morning, before Tribunal No. 2, the sentences in the case of the United States versus Ohlendorf and others, will be arraigned at 9:30 o'clock. The Tribunal has also been informed that several of the defense counsel appearing now before this Tribunal represent defendants in the case of the United States versus Pohl, and that their presence is required at the arraignment on Monday morning. This Tribunal will, therefore, if it has no objection, recess now until 11:15 o'clock Monday morning. The arraignment will be completed at that time. The arraignment before Tribunal No. 2, at 9:30 o'clock, will be held in this courtroom. After the arraignment, Department 2 will vacate the courtroom, and this Tribunal will reassemble here, as I say, at 11:15 o'clock Monday morning to proceed with the trial of this case.

We will now recess until 9:30 o'clock tomorrow morning.

(At 1630 hours, 6 March 1947, the Tribunal recessed until 0930 hours 7 March 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 7 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in the court with the exception of the defendant Oberheuser, who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court with the exception of the defendant Oberheuser who has been excused on account of illness.

Counsel may proceed.

KARL GEBHARDT - Resumed

CROSS EXAMINATION - Continued

DR. SEIDL: I have no more questions to put to the defendant Dr. Gebhardt.

THE PRESIDENT: Any cross-examination of this defendant by any defense counsel?

BY DR. WALTER (Counsel for the defendant Handloser):

Q. Witness, when did you meet Professor Handloser?

A. I believe it was in 1941, after he had been in his new position about six months. After Professor Waldmann on the Hohenlychen Board became sick, he asked whether he might take his position. It was only one visit. The next time I saw him at the meeting in 1943.

Q. It was in 1942, wasn't it?

A. One year after the death of Waldmann. I don't know exactly, the end of '41 or the beginning of '42.

Q. You had told us with the Kuratorium.

A. Yes.

Q. Did that Kuratorium have any influence on the medical management or on the manner in which patients were treated?

A. In no way. The Kuratorium and the Sanitorium were the nonsense form before '43. At that time Hohenlychen was purely a tuberculosis institution. It was under a welfare society, the Red Cross for Hohenlychen. This legal form was maintained in 1933 because this saved taxes and so forth. After the group of persons had changed, people had left, and so forth, this group of persons was supplemented according to my suggestion. The actual influence on the medical direction of what we wanted to do at Hohenlychen was the three men I mentioned, Dr. Tschambers-Oeten, Dr. Todt, and my scientific superior, Dr. Kruemmel, Director of the Education Ministry. The Kuratorium itself never met and I never called on Handloser in any way as Curator for Hohenlychen.

Q. From then onwards did you have any personal contact with Professor Handloser?

A. Actually, only in 1944 at the meeting at Hohenlychen. At the third meeting I reported to him like any other speaker in a purely military form. I certainly did not speak to him afterwards. At the end of the meeting, or during the meeting, I always went out to Hohenlychen and came back the next morning. I cannot remember that I met him officially at the front in any way. As far as I can recall, Handloser had always just been there or was just coming there with the greatest difficulties. At the meeting in '44 he was my guest and during these three days I not only showed him my clinic but, since we all had great respect for Handloser, I took great personal care of him.

Q. Mr. Fischer said in his affidavit No. 472 that Professor Handloser had been to Hohenlychen on the occasion of the 10th anniversary. Is that true in that form?

A. Dr. Fischer will probably be able to comment on his affidavit himself and we have expressly agreed that he is my junior who has got into the situation through me and will be able to present his case as he

thinks right, without any special agreement. As for the 10th anniversary meeting, I should like to say that he is mistaken.

Q. The 10th anniversary?

A. The 10th anniversary was an internal university celebration. I might say that I had chosen as my report the subject "Conflict Between Doctor and Soldier in These Times". I did not invite anyone except my all teachers. Geheimrat Sauerbruch was there, the students from his school and my school, and the Director of the University of Berlin, Professor Kreutz, whom I asked, whom I have applied for as a witness or for an affidavit. No military agency was represented and no man from the SS was there for this family celebration.

Q. How was the official relationship between Handloser as the Chief of the Army Medical Department to the Medical Service of the Waffen SS in particular, was it in any sense under the Chief of the Medical Service?

A. I have attempted to describe the enormous degree of improvisation which prevailed in the Waffen SS, and how it changed from time to time, depending on whether it had the confidence of the Feuhrer or whether it did not have the confidence of the Feuhrer. I believe I may repeat in three sentences: The Waffen SS went into the War as three separate groups, the Verfuegungstruppe, Totenkopfuerbande and the Leibstandarte Adolph Hitler. They were a selection of volunteers and and no special military character. Then at the front they were loosely attached to the Army, but from the special privileges which they had, as the situation advanced, it was so unfortunate and confused, as is shown by my position. Attempts were repeated made by me to attach material and doctors but when the Army tried to intervene with us in any way it was said the SS was independent, so there was never any sensible contact. In the decisive years, 1942, the development doubtless was that Himmler was given the assignment from Hitler, in all these crises to create a new confidential part of the Wehrmacht, that is next to the Army which was involved in all these crises, and no doubt did the situation much better. It was not only a reliable political instrument, but a military instrument.

I, as chief clinician, got express instructions, for instance, that Handloser was not to be given clear information about our personnel or our reserves. As for personal contacts with the Army and such an impressive person as Professor Handloser, I should like to say that it existed, nevertheless the line was contracting, and was in independent relationship to Oberstabsarzt Grawitz.

Q. May I sum up what part the Medical Department of the SS did not fall under the competence of the head of the Wehrmacht Medical Service?

A. Yes.

Q. And as far as the Fuehrer Decrees of 1942 and 1944 show that there

in a direct line which should have lead to balancing of those two departments. The Medical Department of the Waffen SS showed itself to be very reserved, if not hostile?

A. Yes, that is correct.

Q. You showed yesterday, when you were giving evidence, a statement from November 1944, which bore the signature of Professor Handloser, as the Chief of the Wehrmacht Medical Services, and which was issued to you as Army Medical Chief; in that certificate, in that legitimate reference, was mention made of a special assignment, which you were given; in order to clear this up, I should be grateful if you could make a statement as to what were the contents of this special assignment?

A. Yesterday I briefly referred to the chaotic conditions in November 1944. I mentioned that I was at the two positions where there were certain great great worries from the medical point of view, in the West after the collapse of the front, and in the East from the Vistula to the Oder. The problem in the air raids, in the advance of the enemy troops, was not the Army, especially not the front units, because they had experience of war and would manage to get through all these catastrophes. On the other hand all alone for the Homeland which overnight had become the theatre of war, broke down completely. On the other hand, in severely bureaucratic separation, in spite of all efforts and Fuehrer decrees, we still had quite independent orders in the civilian sector. A particular example, I myself was in Colmar, as a surgeon against the brave American Third Army. I was stationed at Muehlhein (on the Rhine, had behind me the whole Rhineland up to Freiburg, with huge air raids going on, where after three hours the civilian sector was out of the picture, and as reserve behind it the two Provinces Baden and Wurttemberg. It was possible to get everything in order but to make these two bureaucratic installations of these two civilian land Provinces Baden and Wurttemberg cooperate was impossible. Therefore, I went to Berlin to see the only man who could adjust this difficulty, Brandt I took Conti with me, who was responsible for the civilian sector. I proved that neither in transport, nor with hospital space, not in any other way,

could I give medical aid for the civilian sector any longer; and I asked Brandt to decide that the civilian sector, at least in my sphere, should cease to exist; that only the last support, which survived the War, the medical officers in the Army, was of importance. That in every city there should be an Army physician, who should be responsible for all medical matters, whether civilians, labor service, reserve units, or front units, and should also be responsible for all hospital space. This proposal was accepted, and was decided by Brandt, in my favor, and now I had to have a legitimation that I could ask every post physician to take care of the whole sector too. There was only one man of sufficient standing to decend that, that was Professor Handloser, and that was the purpose of all this pass.

Q. In other words, this is a typical case, where the conditions had to be balanced, as the wounded, the ill, and the refugees had to be put somewhere?

A. Yes.

Q. Did this special order contain any other authorization, in regard to research?

A. At this time that was the worry, and there was certainly no other thought either in the conference or in our minds.

Q. In your third interrogation you said that the Medical Department of the Waffen SS did not fall under the Wehrmacht Medical Service. In order to be quite complete, I have to ask you now whether there were any official relations, that you know of, between Professor Handloser, as Chief of the Wehrmacht Medical Services, and the various medical research offices of the Waffen SS, and the SS, viz Ahnenerbe?

A. I have attempted to describe that. I opposed this, that I did not know all these secret agencies. That was some special, a pseudo-scientific existence outside of anything military. I have no idea, I never heard the name of any Wehrmacht agency nearby, or never heard anything about it.

Q. What were the relations between Himmler and Professor Handloser?

A. I can report only from a single meeting. When Himmler took over the

reserve Army, that was in 1944 in the summer, the question was what prime positions in the reserve army were to be replaced by the SS; and for example Obergruppenfuehrer Juettner, who had been in charge of the main office of the SS, came over, as Chief of the Reserve Army, under Himmler as Chief of Staff, as administrative man for the question whether in the medical sector, that is as a chief of the Army, an SS man should be appointed. Himmler thought of me, because of the whole question of Chief Clinician, and so forth. And it was out of the question as far as I was concerned, because I was not up to the work of "Army Group Physician," as I was a reservist and always had to have a somebody else to do the technical work. But I suggested to come to an agreement with the Chief of the Wehrmacht Medical Service, and to decide to what extent changes are desirable and to what extent they were possible. This one discussion took place, and as far as I recall, and I remind you what terrible times there were and how great the worries were, Himmler who was setting up his new People's Grenadier Division wanted to have large replacements; and from some point of view, which I did not understand, he thought that in the hospitals there were an enormous number of "gold bricks" and people that could be used, that we had to take quite different measures. At this discussion he said this quite suddenly and undisguisedly; and Professor Handloser quite clearly explained his point of view, that this constantly changing concept of physical fitness, that gradually all the patients were also becoming physically fit, and that the combing out of the hospitals was not possible, and he would not take the responsibility for that. He did not think it right; he could prove it by statistics how many went in and how many went out, and so forth. I was quite convinced, and Himmler said nothing. And that Himmler did not agree with Handloser's opinion and did not agree with my position, I conclude, because Professor Handloser went back without any decision from Himmler, and I went to the front; and without our knowledge days or weeks later an Army physician, was put intod, that is a position between Professor Handloser and us, who had not been provided for by anyone in this sense, who was sick himself and certainly did not

apply for the position; but unfortunately Himmler noticed him, because the chronically sick patients had been put into action at Breslow. I should like to say at the one meeting the two opinions were definitely opposed, and Himmler expressed his disapproval and opposing point of view by appointing someone without consulting Handloser and without the approval of Handloser. I do not know of any other matters of discussion.

Q On the third meeting of the consulting physicians in May of 1943, you gave an opening lecture referring to Dr. Fischer's lecture upon experiments with sulfonamide; did you on the occasion of that lecture and on the occasion of Fischer's statements; did you talk with Handloser before?

A No, in the morning I drove in directly from Hohenlychen to my lecture. Handloser made his opening speech, if I remember correctly, speakers were behind the presiding officer, and reported to us and that was all.

Q Now, did you speak to him days before?

A No, I saw him when I entered the room; I was one of the many officers present.

Q Did you talk to Handloser after the lecture, the next day perhaps or on any other occasion did you talk to him about the lecture?

A Certainly not and that was not the relationship. Handloser was the chief medical officer of Germany, and I had no personal connection with him at that time. He did not call me, he did not ask me anything about my lecture, and of course I did not go to see him.

Q Later on, on any other occasion, when you two met, there was an opportunity for you to discuss the question, which after all was very important to you?

A I saw Handloser only again in 1944, that is a year later, and he never mentioned this lecture. For me the situation was like this, please believe me and every arst in Hohenlychen will confirm it, after I had gone through all this, I did not have any talks with anyone on my own initiative. I had no interest in it.

Q Now you described the circumstances under which this lecture was held; you spoke of charts and graphs on the wall?

A Yes.

Q Was that an unusual thing, or was that the rule with other lectures too?

A That was as in every scientific meeting. In my next lecture, I spoke again afterwards about my nerve matters, I had the same wall and the

some pictures, and the other gentlemen too;;everyone brings his material, charts and cables to illustrate his lecture.

Q So, therefore, it was nothing unusual?

A No, it is done at every scientific congress in the world.

Q In particular, there were no photographs, such as we have seen here in the Document book?

A No, there was clinical evidence showing what was done scientifically and therapeutically with the individuals.

Q Tables, charts, etc?

A Yes, as I described them yesterday, it was clear what was being done.

Q Yes, quite. Could one see what person was involved, what individual, or that it only concerned a given experiment?

A Yesterday I said clearly that I sent the individual material to Gr witz through Schreiber, and that from the representation one could only see it was a large scale experiment conducted on condemned persons, as I have said in my introductionary statement.

Q Therefore, it could not be seen from those tables and records that women were involved?

A The terms: women, Poles, and Ravensbruck were not mentioned, because in spite of the approval it was forbidden in public. Gravitz, however, had this information. However, it was known only that a large number of persons were concerned.

Q There was a great distinction between the evidence which you sent to Gravitz and what the spectators saw?

A Yes.

Q If I understood you correctly, the purpose of your opening lecture was that you considered these sulfonamide experiments legal; you described these experiments on the basis of your reports and you considered them to be legal and that the carrying out of these experiments was in accordance with the strictest medical rules, which you thought were essential and which were regarded as essential by all the other doctors; is that so?

A Yes.

Q From your statements, I seem to reach the conclusion that these lectures on the experiments were given in front of a large body of surgeons, physicians, pathologists, etc., in order to escape the suspicion you had been engaged in something which would have been harmful to one's reputation as a famous physician; is that correct?

A Yes, of course. I will point out that at the end I can look back and see clearly I have come a distance from all these things and everything I had heard about them. At the time, I was under constant pressure and tension and acting on orders, and I believe that I chose the right thing if one recognizes the situation as I saw it at the time, and the only possible way, if it was ordered and if it was to be of any value, we must be allowed to speak of it publicly. If a man like myself, who kept away from such things, is involved, then he must have the right to comment on it freely, for that if the only possible way to get out of the matter with Hitler.

It is always clear to me, and I am convinced if Germany won the war, it would have been just as necessary to say to the International Surgical Society, who might have stricken me from its list, and some other societies, and to explain how much pressure there was from all sides. My opinion is quite clear in the question of execution and in the question of protection for the people. Please examine all these matters. That was distinctly my opinion at the time, and now I emphasize it especially, as I look back on these things.

Q Perhaps we misunderstand each other. In my opinion your emotional feeling and the explanation you gave is quite correct. It is obvious that you had the man, who might risk his reputation, wanted to use this tour of [illegible] famous physicians and doctors, in order to explain that what you were engaged in was right, and that you acted as a patriot and corresponded to the conditions in which you found yourself?

A Yes.

Q And you said also that the case, the purpose, which you justi-

ably pursued had to be explained in a manner, which was convincing?

A Of course, that is the difficult thing. Now, in looking back at the time in Germany, as the head of Hohenlychen, I could see that was a well known clinic. I appeared at every congress with my assistants, and I appeared at this Congress with five others and then presented, with all the clinical evidence so that someone would not go on an assumption that I forged the evidence and on the other hand, one would discuss it openly and freely if it had any clinical value.

Q It seems to me that what you had to say on this point, had you said so at the time, under the point of view which I just expressed; do you feel if on that occasion you had not said publicly these were political prisoners, if the fact that concentration camp inmates had not been mentioned; if women were not referred to and if on the other hand you explained that you had acted on a special order from the highest authority and that they were only criminals who had been promised pardon if they survived the experiments and if furthermore you had expressed under what conditions you had to carry out these things; don't you think - don't you believe - that those present, the physicians present, would have been convinced that the impression created by your lecture would have been to the effect that they could not suspect anything illegal or medically improper; is that correct?

A I can only agree with you under certain conditions, Dr. Nelte, that "criminals" was not used.

Q But...?

A It was expressly said that persons condemned to death.

Q But, these must have been criminals?

A That was not my opinion.

Q We don't want to go into a legal discussion.

A I cannot agree with you. I have thought carefully what I was doing at this decisive point in my life and against all orders I discussed it, as I explained yesterday and I described the way the experiments were ordered there; they were prisoners condemned to death and they were given the chance for clemency, that was said.

The Third Reich was at the height of its power. We were soldiers who know about war and about emergency. I was a respected clinician, and there was a definite impression that it was done with sense of responsibility and that a general attempt was made to do something scientifically valuable and to see to it to take care of it therapeutically. That was enough for the listeners. Had I said "criminals", I would not have told the truth. The first half were criminals or less than a third, and others were agents and spies who had been condemned for political reasons, that is, no criminals.

Q. But you did not say all that when you addressed the physicians.

A. I did not say that in the lecture, but that was in the written evidence.

Q. And apart from this term "criminals" for which you said "prisoners condemned to death", do you agree with my other statements?

A. Honestly, I was so shocked by the word "criminal" that I don't know exactly what I am agreeing with. This is something which I want to have quite clear in the interest of everyone. Please formulate that again carefully. I believe I explained it clearly yesterday. That is how it was.

I consider it more important to come back to the decisive testimony of Fiscal Counsel Fischer and only this one point. That was his business. After that I spoke on five other lectures so I can't say anything in detail. The sense was what I told you yesterday.

DR. KOHNEY: If the Tribunal please, I think that this particular point has been labored long enough. The witness has explained it two or three times, and I think Dr. Nelte's efforts to formulate what was said in his own words, particularly in the form of conclusions which he is assuming were settled in the minds of the listeners, is an improper way of conducting the interrogation. The witness has stated as well as he remembers what he said, and I think that is sufficient.

THE PRESIDENT: The point raised by Counsel for the Prosecution is well taken. That matter has been sufficiently covered by the examination and the cross-examination up to date.

The objection is sustained.

DR. NELTE: Mr. President, the witness, as he said himself, has not answered my last question yet. By your decision do you wish to declare my question

improper, or do you wish that the witness does not answer to it? I would be grateful for a decision.

THE PRESIDENT: The matter has been fully covered both in the direct examination and the cross-examination and the counsel is now proceeding. The matter has been sufficiently elaborated.

DR. KELTZ: Then I have no further questions to this witness.

DR. SAUTER: Dr. Sauter for Defendant Bloma.

CROSS-EXAMINATION

BY DR. SAUTER: For defendant Bloma

Q. Witness, I have only one question which refers to a completely different complex of questions than the ones dealt with recently. You must, therefore, switch your mind over to this new problem.

Witness, you recall that the Prosecution, and Professor Leibbrandt, based their statements on the fact that the scientific and ethical level of German doctors deteriorated strongly during the Hitler regime, and against the Defendant Bloma, in particular they raised the accusation that he, as the deputy of the Reichsarzte-Fuhrer, was responsible for the deterioration of the level of doctors, at least more or less.

Witness, whether that accusation is justified or not, I shall not ask you; but in that connection I would like to hear your answer on one definite point, if you remember it at all. Roughly, in October, 1938, a meeting is said to have taken place with Hess at Hess' office. Hess was Hitler's deputy at the time. It was the meeting in Wilhelmstrasse in Berlin with Hess presiding. You are said to have been present at that meeting, and the main topic of that meeting is said to have been whether it should be tried in Germany to remove freedom to cure and also with other doctors, medical practitioners should be entitled to give medical treatment. Medical practitioners are people who treat patients without having scientific training. I ask you do you recall that meeting?

A. Yes.

Q. Can you tell us what attitude was taken by Dr. Bloma towards these proposals?

A. Perhaps I may say that I have seen Bloma functioning twice in my life, and I can emphasize with complete conviction that I considered him one of the most

active doctors working for the interest of the doctors in the Third Reich on both of these occasions. It must be remembered that the Third Reich, like every revolution, wanted to take away all the power of the doctors. The first occasion must have been in the very first weeks in May, 1933, when I came to Berlin, and this meeting was also with Hess. I believe there were two meetings. This meeting was called because the medical organization hitherto prevailing -- and Mr. Leibbrandt did not bring this out well -- if one considers the doctors officers, then all the enlisted men, that is, the nurses and other types of personnel, were formerly in one big consecutive organization of medicine. In spite of a desperate objection by Blome, who represented the medical profession at the time, it was not possible to have this enlisted personnel, that included thousands of people retained in the medical organization. They were put in the NSV or whatever else was organized, and I consider that one of the main weaknesses which we had after that time is that all the subsidiary organizations became independent. At that time Blome was the only man who advocated keeping all medical personnel together, and I remember the second meeting because I was in a sense the last witness in this disagreement. Hess was an advocate of nature healing, and like Himmler represented the point of view, that a danger, which existed all the time, that a health ministry should exist in Germany, and that the health ministry should be directed by a layman. As I recall, Gauleiter Bauer or someone else provided that there should be equal groups underneath, departments. Doctors, nature-healing medical practitioners, and so forth, should be given equal rights next to each other. Blome again represented the doctors, and fought for the superior concept of the doctor, for restrictions on medical practitioners, for keeping them under control but without schools for training new recruits -- that was the important thing -- the ideal was to let them die out and keep them under control. And I was called because Mr. Hess had been injured in the shoulder as a flier, and had been treated successfully for one year by medical practitioners, and then I had restored his health, so that Blome could refer to my example, that it was not advisable to use the services of these medical practitioners unrestrainedly.

I recall that Blome worked for the independent and the superior position of the medical profession. I can't tell you the details of the discussion.

Q. If I have understood you correctly, witness, your statements show that Dr Blome at that time advocated the suspension of the freedom to cure medically, and he also opposed medical practitioners?

A. And that is what he suggested, and that is what happened, that the freedom to cure was repealed in Germany, that an examination committee was set up consisting of, I believe, half doctors and half medical practitioners -- I don't know the chairman -- and that the rest of the medical practitioners were to be tested. The seventy or sixty -- I don't know how many -- percent were recognized, but they could no longer have any schools, and they were to die out, and those who did not pass the test, they were to be stricken off the list. That is about how it was, but that is more or less outside my memory.

Q. Dr. Gebhardt, a final question. Can you, if you try to recall that meeting, can you remember that the defendant Dr. Blome, at that time when he became afraid that he could not carry his point, said to him,- I quote verbatim as Dr. Blome remembers this part:

"If you should decide here that apart from the doctors themselves there should be a second class of medical practitioners which will be admitted, to wit, that of medical practitioners, you, Herr Hess, will be the grave-digger of new German medicine."

This is, Dr. Gebhardt, how Dr. Blome recalls it now and I am asking you as I told you whether you can recall this, whether that had remained in your memory as the attitude which Blome took at that time?

A. I cannot possibly remember the wording but I believe that what he said, the suggestion that was made at the time, more or less corresponds to that. I know that there was a big uproar about a patient, either the doctors walked out and the others stayed, and in any case the health ministry was not created. There were two factions but it is quite impossible to remember the details.

DR. SAUER: Mr. President, I have no further questions but there is one mistake in the translation which I wish to correct. When I asked Dr. Gebhardt, I used the term "Stellvertretender Reichsaerztefuehrer", which was Dr. Blome's position, deputy leader of Reich doctors. This was translated as Deputy Reichsarzt, which is a very unfortunate translation because Dr. Blome never was Deputy Reichsarzt. May I just correct this? No other statements.

THE PRESIDENT: The record will show counsel's statement.

DR. SAUER: Thank you very much.

DR. KAUFMAN: Defense counsel for Rudolf Brandt.

BY DR. KAUFMAN:

Q. Professor, in the last few days you said quite a few things on the character of Himmler andhow much Himmler moved about and which would, therefore, also apply to Rudolf Brandt. I should be grateful if you could extend your explanation a little farther and tell the Court how you ob-

served Rudolf's character, his official position, perhaps also his personality. How long did you know Rudolf Brandt?

A. I met him for the first time in 1939 when I went to Poland as escort physician. The whole staff of Himmler was on the same train. I can deduce that he was there but Brandt was such an inconspicuous person that I cannot remember. He was just there some time or other, but I certainly did not see him before that.

Q. What were your observations regarding his influence on Himmler? The prosecution describes him as Himmler's personal expert as though he had a very large influence on Himmler. Could you bear out those observations or what do you think Brandt's position was in regard to Himmler?

A. First, don't demand of me that I know all the details of Himmler's staff because Mr. McHaney will say, "We always said he knew that", but as for the rest of it, I can only tell you how it was more or less externally. We never reported to Mr. Brandt when we came or when we left and unfortunately yesterday in my exhaustion I made a statement, which might have been true but not very decent, about his mental qualifications. I withdraw the form but not the content. We reported to the Adjutant and then the Adjutant let us wait forever and a list was made up of who was to come to see Himmler and in all of this time I never saw and never heard from anybody else that Brandt was present. The characteristic thing of staffs in the Third Reich, and for all in the revolutionary foundation, it is bitter for us that we always have to mention the bad side here, but first of all we had grandiose names and arrangements and then appointed just anybody to fill the position, and whether he had the name of personal expert I do not know, but in the sense of the old ministerial expert who was present at all technical questions, as I know from the days of my father, that did not exist with Himmler, as then I must have known something about him, and at the decisive moment he would not have been unaware of the most important things, but on the other hand somewhere aside from all of those things and the military form which was even exaggerated, Brandt, of course, did not fit into this background, because he was no soldier at all. There was

someone who organized all of the mail and I had contact with him because in the evening or at night the couriers came with enormous mail bags and like myself one does not stick to channels. One asked Brandt if there was any mail and asked him to get it out and then Brandt sat in his office and everything was full of mail and secretaries and people, and according to a system which I don't know, he brought everything into some kind of disorder, and then the next day he delivered it all. How long it took or what he did I don't know. In the morning everyone was there all night and we had breakfast together in the morning and that was broken off with Brandt coming in with a pile of folders and a couple of orderlies with letters, and then Himmler was inaccessible for hours and we all had to wait because Brandt submitted all of the mail and took dictation personally. There was no secretary there. I don't know whether he dictated all of it or whether he had experts. In any case I know he was originally a stenographer or some such thing and he took care of all of this mail, and then because we all wanted to get away, because we all had important business or something, Brandt disappeared and I never saw him again all day, and he had to carry out work and write out all of these letters which had been dictated in the morning, and in the evening the same Brandt came back for the signatures, and I assume everything was signed. I don't want to offend him but I always considered him a very unimportant personal typewriter, and I had no contact with him, only a few hours when we came back from the front and from operating, and it was an international custom, we sat down with a bottle of cognac and I considered Mr. Brandt a little too stupid for that purpose.

Q. One more question, Professor. Did you observe Brandt's health in all of these years? What can you tell us about this?

A. I believe it happened several times that Brandt was either sent on leave, because of some suspicions of disease of a joint, and had to be called back because Himmler did not want any strange people around him; or else he did not get away because Himmler couldn't dispense with him. There was something about his leaving, about going away for a year. That was

certainly discussed. There was nothing surgical and I don't remember these things very well. I was not directly involved.

Q. Thank you very much. I have no further questions.

DR. FLEMING: Defense counsel for Krugowsky.

BY DR. FLEMING:

Q. Professor, if I understood you correctly, in the course of your interrogation you said that Krugowsky had nothing to do with sulfonamide experiments. Would you please confirm that now?

A. Yes, the question of whether the sulfonamides were to be tested through bacteriology, basic research, or whether it was a clinical front problem; I was the clinical man and Krugowsky was the hygienist, and there were two different conceptions of experts. When I appeared Krugowsky had no purpose any longer and I certainly did not see him personally. I would remember if he had appeared.

Q. You know that the prosecution alleges that these cultures for these sulfonamide experiments were supplied by the Hygienic Institute of the Waffen SS. Do you know who caused these cultures to be delivered?

A. I can only say they certainly came from Berlin and were sent to us by Grawitz's orders. On the other hand I can say I did not have any bacteriological cultures in Hohenlychen. They did not come from me. That is certain. The other thing is clear with reference to discussing it with Grawitz. I did not have drugs in large enough quantities, they came from Berlin to me. As far as I recall, I can't be so definite about all of these details. From the very beginning, at least in every group, I think more often twelve or so, because for every experimental subject we had to have mixed cultures prepared, which I have described, which is sometimes only two and sometimes one, and sometimes only gangrene, we had to get them, but we had to have agents prepared and so forth and that came from the Grawitz agency and it came from Berlin. It could only have been from the Hygiene Institute, for he would not have got it from a civilian agency. It came by car and from a young man who came from Fischer. I remember it came from Berlin every time. It was not Krugowsky.

Q. Do you recall when these deliveries of culture began to be supplied for you and when they were finished?

A. I can confirm the details only to the extent that the cultures were there when these experiments were conducted. They were there from the whole time from July until November, but I can't give you any more details.

Q. My final question is: What germs were used?

A. The mixed cultures were streptococci or stephyloccus cultures, plus the gas gangrene, and there was a certain distribution, and they were separated. Other additional germs were not asked for, such as tetanus. They would not have fitted into the experiment and that did not occur through chance experiment either, for we would have noted that in the preliminary experiment.

Q. Tetanus, contrary to what was said by one of the witnesses, has not been used by you?

A. No.

Q. Thank you very much.

DR. FRITZ: Defense counsel for Rose.

BY DR. FRITZ:

Q. Professor, before the colloquy did you have contacts with Professor Rose?

A. I believe I have mentioned that already. We had no contact with each other. We worked in quite different fields. I can recall somewhere at a meeting or in preparations for the fourth meeting or some such thing Rose was there; and on the other hand I did not have any personal conversation with him, as we had nothing to say to each other and I had nothing to do with hygienics of the Waffen SS, but I certainly knew him as the famous hygienist Rose.

Q. In the course of your talks with Grewitz and Himmler, Rose did not come into that?

A. I explained I had no personal relation.

Q. Thank you. I have no further questions.

DR. SERVI FOR THE DEFENDANT GENAUCK:

Q Professor, in August 1943 there was a conference in which the reorganization of the Waffen-SS was ordered. In that conference was there said anything of experiments on concentration camp inmates or anything referring to concentration camps?

A I have tried to show that I instigated this discussion and that it had a purely front purpose, that is, the collapse of medical arrangements and the lack of medical reserves, etc., in the Ukraine. The circle which was called together at my request were doctors from the Ukraine, Grawitz and Genzken, Stumpfegger was also there. This all referred to the acute problem at the front. It is true that Grawitz took advantage of this to acquire for himself something which would not have been necessary according to my suggestion. I needed material, doctors, from the police and the Waffen-SS, and a certain connection with hospitals in the rear. There was no point in making an organization from the bottom - all we needed was an organization from the top. Four weeks before I had been shot down from a plane, and had come back, there was no other consideration. I cannot remember that any other things were discussed.

Q The defendant Genzken is also accused of his alleged participation in sulfonamide experiments in Ravensbruck. When you talked to Himmler and Grawitz did you take in Genzken in this connection?

A I have explained exactly who the people responsible were. Gruppenfuehrer the Reich Fuehrer called - people responsible for building up his big new Waffen-SS. I don't know who was there. Joel was still there as intelligence officer, Grawitz was there, and I was there. That was the group that discussed the whole thing, and carried it out. I had no reason to call in Genzken. That was not the level on which discussions were held.

Q Did you write to him or talk to him really about these experiments?

A Certainly not. Genzken learned what everyone learned at the Field Meeting - publications and directives. Whatever his expert told him - anything or not of what was reported I don't know.

Q That is not the point at the moment. All I wanted to know was if you reported to him personally - a final question. Dr. Fleming talked about the supplies of gas gangrene that were alleged to come from the Hygiene Institute of the Waffen-SS, including glass bits. Did you talk to Gunsken on that affair?

A I should like to say that, of course, I was glad to deal with the thing on a large scale and I take the responsibility for it. But, I only know that some subordinate officer brought the stuff with which it was carried out. I had more worries than that than to go to Grawitz and ask where the stuff came from which could only have been the case of the Hygiene Institute. It was only a question of delivery - no basic question.

Q Thank you very much. I have no further questions.

DR. SERVATIUS FOR Karl BRANDT:

Q Witness, do you recall the Tenth Anniversary in the autumn of 1944 in Hohenlychen? Do you know whether Karl Brandt was present?

A No. I have already described the Tenth Anniversary Celebration. It was a personal celebration such as every clinic had - the clinical family celebration, that is, teachers and students. My relations to Mr. Brandt were so distant, we did not know each other personally very well, I would never have invited Mr. Brandt.

Q I have no other questions.

DR. [illegible] for the defendant Poppendick:

Q Professor, do you know anything of a Department of Planning in the office of the Reichsarzt-SS - an experimental department V, which dealt with planning or carrying out of experiments, as it is alleged?

A No. How Grawitz carried out his service I don't know. I never heard of "Section V" or "planning." In my sulfonamide experiments I did the planning. I don't know anything else.

Q Did you at any time talk to the defendant Poppendick on the experiments as described in the Indictment, or did you exchange information with him in any sense at all?

A. No. It was not that way. We were on the same level with varying weight, Grawitz who had the higher rank. And, when one refers to the Reich physician I certainly had more weight as a personality. But, of course, I was organized in the same way in connection with the Army and taught in the various other agencies; and Genzken was senior and had a certain position from that. It was not so that I had three adjutants and antichambers and I had to report. If I wanted something from Grawitz I called him up, I went in civilian clothes, and I told him I don't like this or I would like that. It is possible, of course, I know Poppendick, and I certainly saw him, but Poppendick was never in my house. I never invited him. He never took part in a conference with me because I did not discuss those things on this level. I don't know that Poppendick was always there. He had another office too. On the other hand I always came from the front or Hohenlychen. I had other medical experiments. I told Grawitz I will come to Berlin next week. I will possibly come to see you and that is all I said. No one could know when I was coming exactly or whether I was coming for certain. That I went through Poppendick's personal office there is no question of anything like that. I can't tell you what Poppendick actually did.

Q. Thank you. No further questions.

MR. PRESIDENT: The Tribunal will recess.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

KARL GEBHARDT - Resumed

CROSS-EXAMINATION

BY MR. McHANEY:

Q. Herr Professor, you have testified very clearly and emphatically as to the efficient and careful way in which the sulfonamide experiments were executed under your supervision. You have stated that you made a substantial contribution to scientific knowledge concerning the use of sulfonamides through these experiments. You insisted on publicizing your experiments for what they were. You stated that you successfully opposed Gravitz' efforts to brutalize and pervert the sulfonamide experiments. You stated that over the years 1942-43 you learned something of other experiments, most particularly Rascher's experiments. You further stated that you finally influenced Himmler to bring order out of chaos in 1944 and that a regulatory system for experiments was set up in which you played a part. All of this, plus your high official rank in the SS, and your knowledge of Himmler and military medical service in Germany, leads me to believe that you can, if you are willing, tell us a great deal about the experiments which are the subject of this trial and perhaps other experiments on human beings. Will you do that?

A. I was perfectly aware of the dangers of my testimony and the attack which you would so clearly aim at attributing to me all the knowledge of every one of these matters. I might have made the hopeless attempt — something which was humanly rather plausible, to be reticent about my testimony. I chose the other path and I described, roughly speaking, all I know. I am perfectly prepared to supplement my testimony, if you put precise questions to me. But please, will you permit me, during a fair duel, also to say that our conditions of battle and quarters are somewhat different, but that we are also concerned with the fact that you are basing yourself upon the assumption that everything in Germany

proceeded in an orderly and obvious manner and that everything could be seen and differentiated clearly. That was not the situation. In connection with that I would like to emphasize also that with ever increasing dramatic conditions the state of emergency would grow to a point where a number of matters which were points which we would normally have noticed quickly, did not come to my knowledge. Thus, will you please believe me when I say I did not know, I did not conceive it, and that when I say I cannot recollect, it is not because of my being too cowardly to tell you?

Q. Herr Professor, isn't it true that it was generally understood in military medical circles that concentration camps would be made available by the SS for experimentation?

A. That I do not believe to be the case. I believe the expression "generally" is too far reaching. If you want to know the exact details, then put the preliminary question "What did all the others receive? What did one generally know in Germany about concentration camps?" If you don't want to hear that, then I can only tell you that the full realization of what was going on in concentration camps ... the events in an individual concentration camp, were such changing matters, with an ever-altering picture, and that the desire, the wish of every individual who was in touch with the concentration camp, to gain distance from this matter as soon as possible was so strong, and that there were cautious men who did not want to know anything about it so that no one might put questions to them -- that you can certainly not say that German medical men knew this or knew that. If that is the general type of answer you want to your question, then I must answer with NO.

Q I understood you to testify that Hitler had approved of medical experimentation on concentration camp inmates, and that disposition was reached by you no later than 1942, and that you specifically learned about it when the sulfonamide experiments were under discussion. Isn't that true?

A Quite. But then it is wrong once more what you said earlier—that I had such clear-cut knowledge about Rascher beforehand. You must allow us to draw a clear dividing line—something which is almost impossible today—regarding the things that we knew beforehand, and what we learned currently, and what I know today through the trial or the number of people who are informing us. I know today, for instance, that I did not know before, that Himmler went to attend Rascher's experiment. He did not talk about that to me. I knew today he took the chief of his personal staff along on this journey, Oberstgruppenführer Wolf, so that he would report to Hitler straightaway, and that subsequent to this Hitler agreed in principle; so that this is really the first occasion when Hitler expressly approved of the matter; but this is knowledge which I have now from the files and because I talked to Wolf.

Once again I am using this to show how these things were running concurrently. For instance, Wolf was my patient, and he did not know anything at the time, and we can say this under oath, about the sulfonamide experiments. On the other hand, that Wolf carried out this contact with Hitler, without telling us about.

Q Let's get this straight. I understood that you talked to Grawitz about the sulfonamide experiments early in July, or shortly prior thereto, and that both Grawitz and Himmler gave you to understand that Hitler had approved in principle the use of concentration camp inmates for purposes of medical experimentation. Isn't that right?

A Yes, that is correct.

Q Now, if that decision was made, Herr Professor, and it was considered helpful to perform medical experiments on human beings, why, then, was not that decision by Hitler, the ultimate authority in the state,

only known to the authorities in the military medical sector? After all, you can't use concentration camp inmates for medical experiments unless somebody knows that they are available.

A. Will you permit me to tell you that this is a type of question which one can only put if one does not know at all what the role played by concentration camps in Germany was. Believe me, there was a fight until the conception of anonymity and secrecy attached to concentration camps was overcome by me by my report during that Third Congress. I do not believe that this clear form was ever expressed before, nor was this secrecy ever demonstrated before, nor could I think afterwards, so that all the authorities which had immediate jurisdiction over concentration camps--which is one of Himmler's executive departments through the SSH, through Glueck and Pohl and so forth--they, right from the start did not allow anyone to look into their activity, not primarily in order to hide these

experiments, but because the entire arrangement, the exploitation of this economic potential, was only possible, after all, by transferring them to the property of SS and arranging them under the control of the SS. In other words, the situation was not that simultaneously there was now suddenly a current order informing all German official departments regarding the possibility of carrying out experiments in a concentration camp. Neither was it over the situation that the supervising bodies of concentration camps ever attached any importance to having doctors or men of any other type admitted from the outside. Only Grawitz and the staff under Loerding, had the passes to enter concentration camps.

Q Now, Professor, everyone realizes that the SS had to make these inmates available. The SS had to be approached. No doctor from the Luftwaffe could walk down to Dachau and get in, we all understand that. But it seems to me that you have overemphasized the secrecy aspect of concentration camps and experimentation on inmates when you say that only after your speech in '43 was the matter publicized. I am not interested in whether it was publicized in the formal manner that you suggest; but it is not inconceivable that, after Hitler's decision, that inmates could be used for experiments, he might pass the word along to such a man as Handloser, without breaching the secrecy veil of concentration camps; he might pass the word along to Milch and to Hipke. He might pass the word along to Conti and Karl Brandt.

Now, you have assumed your responsibility in connection with the sulfanamide experiments. You have no occasion to shield other people from accepting their responsibility. Don't you know, as a matter of fact, that the high authorities in the military-medical services of Germany did know that they could approach Himmler and the SS, and obtain inmates for experimental purposes?

A I think that one can only explain this by means of individual examples of experiments as far as I know how they arose. First of all, you are making one principal mistake, to overestimate or underestimate information from Hitler or Himmler, according to how it fits into the particular stage of trial. The situation was certainly not that— and, mind you that I was not

there— that Hitler might have said, "Now, then, whatever can be cleared up now in the medical field will now be cleared up in a big way through experiments," so that there would have been an order to all official departments that whoever had anything to do with this matter should be consulted. That certainly was not the situation because then there would have been experiments in many other fields.

On the other hand, I am sure that Himmler—and, mind you, the cause was an initiative coming from outside any channel of orders—and it seems certain—something that I must assume—that I did not know—Rascher did write to Himmler, that Himmler then goes to a concentration camp, and that Rascher is asking Himmler to develop a very productive type of opinion with reference to the whole affair, and that something originated in Himmler's conception, and that he is immediately making a report.

Do you think that history will ever ascertain how cautiously and how generally Hitler's wishes and instructions were expressed?

On the other hand, I am sure that it was enough—and, mind you, this is all assumption on my part—it was necessary for him only to say to Himmler "Good Heavens, you have a wonderful way there. Why shouldn't they experience the same fate as people at the front?" That is was enough for Himmler to take up the matter. Naturally, it is correct for you to say that nobody could enter a concentration camp or report an experiment or order who did not take this matter to Himmler first. I think that, with a certain amount of good will, it is correct to say that in the initial stage we were concerned with individual cases and that eventually it was increased, but surely there are three completely different ways we are concerned with. There was the Air Force, and there we are concerned with the very head of it, where it started, or else it started right at the bottom in the double figure of Rascher between Luftwaffe and SS. I am sure that wherever we are concerned with this question, we are concerned with the group Grawitz-Conti. I have described to you the sulfonamide story, and in the case of all the others you always see across the circle of persons I have mentioned, but it is quite sure that Brandt and Handloser, up there, were never touched with a general order, nor that they should look into the matter. At any rate, that never occurred in my sphere.

Q You testified that you were told of Hitler's decision, I believe, in connection that he made that decision after he had heard of Rascher's experiments, is that right?

A Yes.

Q Grawitz reported this decision of Hitler to you?

A It seems to me I heard it during a conference between Himmler and Grawitz.

Q It was in May or June or July, 1942?

A What I want to say, what I think, it was at the end of May, 1942.

Q So you knew about Rascher's experiments before you got the letter from Rudolf Brandt in December, 1942?

A That was, of course, the type of question I had to expect from you, and I can tell you with accuracy, that was no so, that someone went and said, "Here we have this experiment and here we have that one," and so on. Himmler said it is quite clear that experiments are being carried out, and it is equally clear that he talked to Hitler about it, and that what I recollect is the much more important sentence that at that time people, who were there, should suffer the same fate. What which experiments he was referring to, I can only say, it is quite in detail, why, I admit that, and whether it was mentioned at that time or not, I don't care, but there was much secrecy attached to it all. Experiments were going on at that time, and my objections and careful discussions, no doubt, were not shared by the others. If, on the other hand, you ask me now whether I can exactly and clearly and surely have known at the time that Rascher and the air forces were so involved, then I once again tell you "no".

Q But you have no doubt that Rascher's experiments in Dachau were ordered and sponsored by Milch and Hipke, at least?

A I can tell you that I heard now, heard it through two sources, first of all these proceedings here with their clear cut evidence. This all must have been taken to Himmler. Secondly, Wolf too testified both in the Milch trial as well as when I asked him, and I told him it was important to me to know whether Himmler really could refer the matter to Hitler, and he

said, "I saw it myself, and by authority Himmler he reported it to Hitler." The cause was the visit into the Rascher experiments.

Q. In other words, even Himmler could not have undertaken this type of experimentation without having been covered by Hitler, would he?

A. Now, that is something, just another question which I already turned to use, I already expected you to put it. That is half wrong and half right like all these things, and I am perfectly convinced that if Himmler had the wish to assist and if it was within his powers then he started whatever he could do. On the other hand, according to the story told, and I am convinced that it was so, Himmler actually and deliberately went to Hitler and told him, "Mein Fuehrer, in one of the decisive problems of the air force," and please don't say right now of course you know, see, "in one of the important decisive questions of air force problems, we can advance the entire development regarding the reconversion of the air force" involved in at that time, "which can be advanced successfully, I have already started on it at Dachau. What do you think about it?" And then Hitler probably said, "That has not to be done for the benefit of the air forces. It is my point of view that they have to go through everything at home during this decisive struggle." And then Himmler never again in his life would have gone back to Hitler with that, and he might say the head of my staff, the head of my state, wanted that. That is my description of the matter.

Q. Well, we at least can agree that a stabsarzt in the Luftwaffe like Ruscher would not have undertaken these experiments without knowing that he was declared by a superior authority, would he?

A. No, no, no. That is quite out of the question, of course. He had cover, the backing. First of all, when one part of the experiments started through a department which had jurisdiction over him; and of course, the extent of that I couldn't quite judge during the lecture; and as far as the second part was concerned, namely that of his own independent experimenting, he had the express personal backing of Himmler. At least that is how I understood it.

Q. And the same principle would apply to such a man as Rascher, would it not?

A. Rascher, of course, must have had the backing of an official department, and one of them must most certainly have been Himmler at all times. If he on now carried out an experiment on behalf of the air force, then of course he must have had the backing of the air force. If, however, he succeeded through some other channels, apparently if he succeeded through SS in entering into the Ahnenerbe circles, then in this capacity, of course, Himmler's order alone was sufficient. I can't judge on these matters because I only know what you have said here in court yourself. Some of the documents seem to confirm that we are concerned with air force experiments, but air force gentlemen have said it was purely Professor Ruff with Professor Hirt who carried out on these matters. At any rate, Himmler's confirmation was also essential, but that of the official department above, who also had to be informed. I can't judge this. That was in individual cases.

Q. Of course, the SS and Himmler were the prime elements in all of these experiments since they were carried out on concentration camp inmates. We both understand that, don't we?

A. Yes, of course.

Q. But before we forget it, let's rehabilitate Adolf Frank just a little bit. I feel that you belabored him rather heavily in the direct examination. He was a Standartenführer, wasn't he?

A. Adolf Frank, yes, that is right.

Q. That is only two ranks below that which you hold, wasn't it?

A. Yes.

Q. Now, you are a doctor and a professor, witness, and perhaps you are inclined to be a little bit impatient with administrative officials, but if we are looking for a man who knew what was going on with respect to Himmler's office, a man who handled all the correspondence, a man who wrote letters of some importance on his own initiative, then that administrative official could very well be Rudolf Brandt, couldn't he, witness?

A. I have described to you the position which Rudolf Brandt held. Will you please tell me in this individual case to what extent you think it is uncertain?

Q. If I understand your description, Himmler regarded Rudolf Brandt as being something in the nature of an indispensable man, he wanted him around, he wanted him to handle his correspondence?

A. Yes.

Q. He had access to top secret information by virtue of that position?

A. Yes, yes.

Q. And he was a man of substantial rank in the SS?

A. I think that you do great injustice to Rudolf Brandt when you underline his rank in the SS. All staff went through Brandt, that is right, and it used to go the same way before when the ranks were higher or lower. This department was always the same. Then afterwards as a reward he was externally speaking transferred to that corresponding rank, and became Standartenfuehrer. I am not sure he was at the front. He was there for a bit. But in the Waffen SS he most certainly was not Standartenfuehrer. He had this rank in the General SS

and in the Waffen SS, for a very short period-- but I had better be careful there-- I think he was Hauptsturmfuehrer, he was something like that, when he served for a while, but as commander in the Oldnol Waffen SS, a rank which is two groups below mine, he certainly never put in appearance. His position rated the same before as afterwards; you can draw your own conclusions from the individual case you want to present.

Q Now, you participated in an attempt to overthrow the Weimar Republic as early as 1924, didn't you Witness?

A Who? Me? What do you mean, to what extent? Might I have your reasons for that statement?

Q It seems to me that I have seen something to that effect that you have participated in such a Putsch in 1924. Am I incorrect on that?

A No. I am awfully grateful that you are bringing that up because now I can show you how these affidavits are made. That is just what I have been waiting for. It says in my affidavit in great detail, now, let me read this to you. In my affidavit it says "painstakingly", "in the Munt putsch in 1923 I took part." Now, about this matter, about this simple sentence, there were at least three interrogations, and the gentleman who so kindly carried that out is sitting right here and he will be able to confirm to you he right I am.

Q Witness, I will ask you to keep your headphones on in order that we can control the examination just a little bit. Now, I am not interested in having a discourse by you of how interrogations were carried out. I asked you a question about your participation in this putsch in 1923. Now, you may explain that, but I don't care to hear anything about the possible mistakes or insecurities which arise in affidavits which you read and which you signed. I am just interested now about what part did you play in this early Nazi activity, if any?

A That is something which I am just trying to explain to you. I am not taking my earphones off, you know, to stop you, but I suffer from a hand injury which I have been having the greatest difficulty, but if you insist I keep to this, of course, I will do so.

Q Witness, I don't wish to have you labor under any physical difficulties. If you will limit your answers and be concise and to the point, it is quite satisfactory to me to have you take your headphones off, but we don't want to take any unnecessary time in this interrogation. We are simply seeking information, so let's eliminate this attitude of dual which you have conjured up and get along with the proceedings.

A I am attaching a great deal of importance in explaining my participation in 1923 because it has become important. In 1923 I took no part in the party, nor within the SA as it existed at the time, and with Oberland which took part as a third section, but I was used as the medical officer on duty. I walked in the third row without anyone also, and I treated both the wounded of one party as well as those of the other, such as a captain who was shot and died in my arms, just as much as Mr. Vandenfurth who was fighting for the other side. This is something I said yesterday, and I think I can supply to you witnesses stating that was so. But the youth group which was under me from the Oberland division was not taken along in this march by me, and I subsequently, in 1925, did not enter into the recently formed SS which originated from participants of the 1923 affair.

I do not consider it a crime, if a German, as a doctor, assisted both sides at the time, and worked along, but that I should have personally overthrown the Weimar Republic during this one year when I was an assistant doctor--that seems improbable to me.

Q Who sent the order that no prisoners were to be captured at Mauthausen in 1945?

A I'm afraid I don't quite understand your question.

Q You testified yesterday that while you were in Mohaulychen, shortly before the collapse, you saw an order that no prisoners were to be evacuated from Mauthausen - no inmates. Pardon me, I phrased that wrong, that they were to be liquidated -- that they were not to be captured. I'm asking you, who sent that order?

A It is known from the previous trial, and it was discussed in detail that Hitler's order came at the end, that from no concentration camp should a man be taken fall into the hands of the enemy, and that Himmler, in his official capacity, passed it on. I told you that I heard this order, and that excited discussions between Himmler and Wolff-Himmler took place over the telephone. As far as I know, -- as far as I know, it wasn't carried out in Mauthausen, whether in other cases I don't know, since the transportation and the continuous transfer of such men to other districts was simply not possible.

Q When did you join the SS?

A In 1935, in the spring.

Q Didn't you at least an unofficial member as early as 1933?

A No, no, I wasn't. Do you mean the 'sea scribing members'?

Q. I'll pass you up a letter which you wrote to Heini Himmler on the 12th of May 1933. This is Document NO-649. I just want to read a couple of sentences out of this letter and then you may explain what they mean. It is a a letter from the witness Gebhardt to "Dear Heini Himmler", dated 12 May 1933. The first sentence reads:

"Excuse me for requesting your help again as an old Landshut comrade.

"I had an interview with you at the end of May 1933. You suggested at that time that I should join your personal staff as medical collaborator. Thereupon I no longer tried to obtain admission to the SA as their athletics physician. You told me in July 1933 by telephone that I had now been appointed by you, that I should fill in the questionnaires and that I should submit an outline of my activities to the Reichsarzt."

And then, down in the second paragraph, there's a sentence that reads: "All this puts me in an impossible position: you incorporated me into the SS, never received a written acknowledgement nor an answer to my applications." Now, were you, in fact, appointed in the nature of an unofficial author or something of that nature in 1933?

A. Just now you're making a small mistake. You see, the whole personal background cannot always be read out of documents. The second head of the Hohenlychen Institute at the time, in the director's board, was Dr. Donker. He, was Reich Medical Officer of the SS, if he did exist at the time, and also at the same time, he was holding a ministerial post, and he was the head of a committee for tuberculosis. The sanitorium at Hohenlychen was under Donker's command in two capacities; one is in his capacity as Tuberculosis Chief, and it was my own wish that I should have some clear-cut official relationship to Donker concerning my own activities. I asked

tell you clearly what this memorandum contained, but I made a draft for it, to the effect that I should work to an equal extent for the Reich Ministry of the Interior, that is, State Secretary Tschammer, at the same time, for Donker's staff under Himmler, and thirdly in the same capacity also for Dr. Todt. After Donker had not agreed to this at the time, but wished a decision to the effect that I should either work for the SS or for Tschammer, who was with the SA, it was not actually brought about, but only in 1935, when Tschammer himself agreed, which is something I have told you, because now he was interested to exclude all these difficulties with tuberculosis, and I'm saying here that I found myself in an impossible position, because now Donker is now no longer Reichsarzt, though still my superior.

Q. So it's not correct, when you state to Himmler, that "You told me in July 1933 by telephone that I had now been appointed by you?" I understand that to mean "appointed by the SS."

A. I know perfectly well that you are now trying to show no proof, how unreliable my testimony was, but I, at that time, wanted to be both in Donker's staff under the SS as well as Tschammer's staff in the SS, as well as in the other staff on the Organization Todt, and at the same time, in the Ministry of the Interior. That I was a member of all those four organizations, thereby also in the SS. If I could remember this matter in detail I would have told you. I would have told you honestly. The point when I really was going into the SS like in Spring 1935, but it was not accomplished at this time because of these complicated conditions. That's the best explanation I can give you.

Q. Were you ever a teacher of the faculty of the University of Strasbourg?

A. No, that is Professor Gebhardt, the pharmacologist.

Q You testified that you were a consulting surgeon of the Waffen SS beginning in 1939, I believe; is that right?

A My position in the Waffen SS, both formally and as far as its contents are concerned, can't be so very easily defined. You must believe me that. I received my appointment, and my task regarding my activity at the front, signed by Himmler, in May 1940. And there it states: "In your capacity as consultant surgeon to the Waffen SS"; that is correct, and at that time there was a hospital detachment of the Waffen-SS at Hohenlychen, but at that time the Waffen SS was not yet in existence, and the term "Waffen-SS" is painstakingly achieved in June; and one of the first people appointed on the staff was I. But the position in practice was that, in reality, I belonged both to the Waffen SS as a surgeon, not as consultant, as well as to the army in this case, a certain arm, and as consultatn surgeon also to the Sports Organization, and also the Organization Todt. I'm summarizing it; there was never a clear-cut position. But I did have the name, the title, "consultant surgeon to the Waffen SS", such as the certificate states.

Q And you retained that position until August 1943; is that right?

A That is changing afterwards because I'm trying to extend it. Above Sports and Waffen SS I had under me, and also to the police, and a superior conception had to be created, thus the unfortunate words, "supreme clinic official", came up, because there was no subordinate clinic official. And that was of course at the end of August 1943.

Q Well, weren't you —

THE PRESIDENT: Counsel —

MR. McHANEY: Pardon me.

THE PRESIDENT: Have you finished your examination in connection with this letter, signed by the witness under date of 12 May 1943?

MR. McHANEY: Yes, I think I have, Your Honor. There are other letters—

THE PRESIDENT: Well, with regard to that letter, there are apparent inconsistencies. It is dated 12 May 1933. The first line of the second

paragraph reads: "I had an interview with you at the end of May 1933." Again, "You told me in July 1933," and, in the long paragraph, the third line: "I was transferred on 1 September 1933." Those are dates subsequent to the apparent date of the letter.

MR. McHANEY: You're quite correct, Your Honor, and I'll ask the witness if he can clarify that from the original document he has in his hand?

THE WITNESS: Well, that means that apparently the date at the top, "May the 12th 1933", must be wrong. According to the contents that follow, I don't know, but it is correct that the events which are described, Denker's retirement, and negotiations regarding Conti and all that, all the alterations happen in 1933. The end of May 1933. Yes; yes; that's quite right. I went to Hohenlychen; that's right.

THE PRESIDENT: There's a note on it, 24 May '34, in front of initials "H M".

THE WITNESS: May 1934; that's right; quite right. So that the cause of a mistake, Mr. President, will obviously be that it should be "12th of May 1934", because the whole current events go through to September 1933, in this letter.

A. I cannot, you see, recollect this letter at all.

MR. MC HANEY: If the Tribunal please, I would suggest another possibility which I think is more likely since the dateline is Hohenaychen, and then appear the numerals, Arabic 12, Roman V, Arabic 33, I think perhaps that date is actually December 5, 1933, but the date below which is 24 May 1934 and initials Heinrich Himmler, I think are written on the letter and apparently are file marks rather than the dateline carried by the original letter. It is quite apparent, however, that the letter must have been dated sometime following September 1933.

THE PRESIDENT: It would seem reasonable if the letter were originally dated 12 May 1933, Himmler may have received — I mean, dated '34, 1934, Himmler may have dated it when he received it, 24 May '34.

MR. MC HANEY: That is probably the correct analysis, your Honor.

THE WITNESS: May I remark in this connection that it is becoming apparent I am saying that after the 1st of September I am going to Berlin after a visit from Hoetzers, so that everything must have been written after the 1st of September.

Q. (By Mr. McHaney) Witness, going back to your position prior to August 1943, is it not true that you were immediately subordinate to Gonzken as Chief of the Medical Services of the Waffen SS?

A. I have made efforts to describe this in such a way as to show that the part of my staff working for the Waffen SS was under Gonzken's orders, but that was definitely a very small portion and dependent upon the number of matters I took up to Gonzken. It would be equally right to say that at the same time I was the adviser of the Todt Organization and came under that just as I was on various other spots. Purely formally speaking I considered myself as being on the same level, and particularly with questions to the Waffen SS, which was only being painstakingly formed during those years; had contact with Gonzken.

Q. When did you first hear of the Ahnenerbe Institute, do you remember?

A. I believe myself it was not so much the institution of the Ah-

nenerbe. Discussions always dealt with the entry into the so-called circle of friends of Himmler. That, of course, is the superior institution. I think Himmler rather quietly indicated to me at some stage that it was rather a good thing that I wasn't in that circle. As far as the Ahnenerbe is concerned, and everything that was subordinated to that, they all came under this circle of friends, and I also believe and I want to say this cautiously, that it was from there that they were paid. Of Ahnenerbe itself I saw during sections Professor Dr. Wüst representing Doctor Ges, Gundich organization, who was the chairman of the Ahnenerbe.

Q When did you first hear of their connection to medical experimentation on concentration camp inmates?

A. I do not believe that that became abundantly clear to me till the very end. It was always my impression that this came much more directly under Himmler; that it was going through military channels, and that they had a military medical department and that Sievers was so important was something that never dawned on me. It was said that there was a direct order, just as it was the case with us, without that there was any institution inserted in-between.

Q Well, didn't you know when Rascher came to see you in May 1943 that the Ahnenerbe was connected with his experimentation on human beings?

A Yes, of course. I am admitting it to you. It was one of the points under discussion between us. That's what we were concerned with. At that point Rascher is saying, "No, I shall continue to experiment, this time under Himmler's supervision, and by name I am under the Waffen SS, and I am immediately coming to the Ahnenerbe." That's how I knew that Rascher was allowed to continue, and that since he had to be placed in some special organization he was put under Ahnenerbe.

INTERPRETER FRANK: I didn't understand the last sentence of his answer. Perhaps you can have him repeat it.

Q The translator did not understand the last sentence of your answer. Will you please repeat it?

A I was saying that he did not begin his work in Dachau, in my

opinion as a member of the Ahnenerbe, but in his capacity as a captain in the Air Force who was to go over to the Waffen SS and who was immediately retransferred to the Ahnenerbe, only because he should be removed from any reach of any supervising doctors; that is the way I understood the matter to be.

Q Was Fischer wearing a Luftwaffe uniform when he visited you in May, '43?

A No, no -- that -- I can't tell you that. I was going to say no right away, but I can't be certain about it. I would have thought -- well -- Fischer must know, Fischer took him around with me. At any rate it is probable that -- more probable that he was wearing an SS uniform to my recollection at any rate, rather than the other uniform, but I can't remember those details now.

Q Well, you referred to him yesterday as a Stabsarzt in the Luftwaffe coming to you --

A Yes.

Q --and you treated him with some scorn, so I therefore got the impression that he must have been still in a Luftwaffe uniform at that time.

A That's an assumption which I would like to refute right now. It wasn't that I treated the man as inferior because he was working for the Luftwaffe. I toned him down because he came to me --

Q Do you mean to say that you treated him with scorn because he was a member of the Luftwaffe, but you referred to him as being a Stabsarzt in the Luftwaffe and for that reason I assumed he still had on his Luftwaffe uniform.

A I spoke for much too long to this Tribunal yesterday for me to repeat everything now that I said yesterday. I said the man came along with a recommendation for the Waffen SS. Therefore we have here Waffen SS, and then I said he came as a surgeon on behalf of the Waffen SS, and then later on the man came, referring himself directly to Grawitz and Himmler, so that quite certainly the question over which I had rows with him did

not have anything to do with the Luftwaffe. What is important is that he is evading me afterwards, stating that he can also apply himself to the hygiene department and other work which he had carried out secretly; I don't think that the word secret was used, I would have remembered that, and this work was carried out by the Luftwaffe.

Q You do not remember whether he was wearing a Luftwaffe uniform, an SS uniform or civilian clothes; is that right? You just don't remember?

A Naturally he reported to me in uniform, but I cannot on the other hand say which one it was. Very probably the uniform of the Waffen SS, because, as a newly adopted member of the Waffen SS, he had to report to me so that if he didn't wear it then it could only be because it hadn't been completed yet; otherwise he would have had to report to me in the proper uniform, but I do not remember it.

Q Did I understand your testimony yesterday to mean that there came a time when you served as adviser to Himmler with respect to medical experiments on concentration camp inmates?

A I have already said earlier that I assumed that you would put that into my shoes because of my Nuremberg statement. It isn't true. It was described in detail that I was urging myself upon him in these marginal questions as far as I considered it necessary. I was convinced that I had shown you that there was not one adviser because in questions of biochemical subjects he couldn't ask a surgeon, "Well, implicate me if you must." I can't explain it to you any differently.

Q Then you are testifying that you did not serve in the capacity of advising Himmler on medical experiments carried out on concentration camp inmates; that you may have been approached from time to time but you didn't occupy any position with respect to that?

A I have been trying to describe to you that Himmler did not have a central one man adviser and expert of that type, but on the other hand, I have been describing to you that I was making efforts to refer to all those matters and that I am only claiming for myself that I always stated to Grawitz, "Don't allow everyone to persuade you that these experiments

so important. Look at the people with whom we are concerned who are working at Himmler, and if you can't stand up to Himmler, if you don't have to tell him that this is not a department, then will you see to it that it is being done together with us. I think I can undertake to tell Himmler whether this is a department and whether there is an expert doctor." If that's what — if you are not saying that I am implicating myself, then it isn't true. It is certainly not the situation that credits come to me with everything, nor is it the situation that Himmler was telling credits everything, and don't you forget that after 1944 we were hounded for the years really.

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330, 7 March 1947)

THE MARSHAL: Persons in the courtroom will please find their seats.

THE TRIBUNAL IS AGAIN IN SESSION.

KARL GERHARDT #Resumed

CROSS-EXAMINATION (Continued)

BY MR. MC HANEY:

Q Witness, what concentration camps have you visited other than Ravensbruck.

A None.

Q What concentration camps did you know of other than Ravensbruck?

A. I know the name of Sachsenhausen and Dachau because they were mentioned most often in the course of politics, especially from abroad. In Germany we did not know all the camps. There were a number of intermediate installations. The organization Todt, for example had labor training camps which were conducted by an SS staff which were locally made into a Gau. I know that in every Gau there were at least one or two camps but I cannot tell you exactly how many names I know formally.

Q You mean to say that in each Gau you know there was a concentration camp?

A Certainly, every Gau had that. I said there were training camps, there were youth camps, for juvenile delinquents, and that went up to the concentration camps.

Q Do you know specifically whether there was a concentration camp at Auschwitz?

A Yes.

Q Did you know whether there was a concentration camp at Weimar-Buchenwald?

A I know that, yes.

Q Do you know there was a concentration camp at Gross-Rosen?

A. No.

Q. Neuengamme?

A. I don't know whether I learned about Neuengamme before or only when I got there, but I did know that there were two or one near Hamburg--one.

Q. Do you know there was a concentration camp Treblinka?

A. No, I don't know that one. I don't know it today.

Q. Maidanock?

A. No.

Q. Do you know Dr. Kramer?

A. No.

Q. Do you know Dr. Treite?

A. I know a Professor Kramer of the Virchow who worked with me at Hohenlychen for tumor research.

Q. Well, was Tramer--when was Tramer under you at Hohenlychen?

A. Kramer, Professor Kramer he was from the Virchow Hospital, he was an exchange professor. He asked to have his institute housed with me and he himself worked in the other city. He was a gentleman at least ten years older than I. He was never under me. In view of the air raid conditions he evacuated his laboratory.

Q. Do you spell his name T-R-O-M-M-E-R?

A. No. Professor Kramer of the Virchow Hospital. I thought you said kramer.

Q. Did you know Treite?

A. I met Treite here in Nurnberg, personally. We were here at the interrogations together and Treite said that he telephoned with me come from Ravensbruck because of a patient. I did not remember that myself but it is no doubt true. And he was the head doctor at the clinic in Berlin.

Q. Did you know in 1942 that Schidlausky was a doctor at Ravensbruck?

A. When I first talked about the experiments I saw Schidlausky there and during the experiments, no doubt I saw him several times.

Q Did you know a Doctor Villmann?

A No.

Q V-I-L-L-M-A-N?

A Yes, I've heard the name but I don't know him.

Q What about Doctor Koller?

A I had a Dr. Koller as a dentist at Hohenlychen.

Q Was he there in 1942, 43?

A I can't tell you. I don't believe so. Our dental station was set up rather late but I don't remember the date. It is possible , but I don't know.

Q Now, in your meeting in July 1942 where you discussed the experimental subjects with Grawitz, Nebe, Glueeks and Himmler, precisely what type of experimental subjects did you insist on?

A Sulfonamide experiments. Those were the only ones in question.

Q Yes. What type of experimental subjects did you insist on having? I understood you to state that you reached an agreement with Himmler, Glueeks—

A Condemned men. That is should be began on German criminals, condemned men.

Q Condemned to death?

A Yes.

Q Did you make any distinction between political criminals and crimes of the ordinary sort such as murder?

A No. We negotiated—I have told you and I won't let you force me into saying anything, that I didn't worry about the juridical details, but I negotiated at that time with Nebe his administration not primarily with Mueller. Nebe had German criminals under him, no political criminals. He was the top man to decide that under Himmler.

Q Well, then there were persons who had been convicted for such crimes as murder rather than for such crimes as treason?

A. I don't follow you. I was not interested in why the individual was condemned. I didn't say anything about that. I just said they should be condemned persons. I never asked why he was condemned or whether it was the rig authority, but mychief authority at the time was Nebe under Himmler.

Q. Well, I'm just asking you to try to give us a little more information about what type of criminals Nebe had under him. The word "criminal" is somethi which has to be defined a little bit. For example, we know that Jews were condemned to death as criminals for having committed sexual intercourse with an Aryan. Now, do you know whether Nebe had any of those criminals under his jurisdiction?

A. In the first place, I am not convinced that your statement is true - tha a person was condemned to death for Rassenschande. I heard that here for the first time. They were put in concentration camps for that. In principle, the legal question was up to the legal experts and I was of the childish impressio that if they took the responsibility it would be all right. Personally, we never knew who and what the individual was.

Q. Now, you stated to your defense counsel that it would have been impossib to have used wounded soldiers to test the effectiveness of sulfonamides. At least that is what I understood.

A. Yes.

Q. Did you mean to state merely that it would have been impossible to have used soldiers and to have reached a result in the short period of time, or do you mean to say that it was impossible, in any event, to have used wounded soldiers?

A. We are at the technical question of wounds in war time at the front and under various conditions, and the question of whether I wanted the basic research from the chemical aspect or whether I wanted a temporary clinical decision. I explained that as clearly as possible. If you want me to I shall repeat the same thing.

Q. I certainly don't want you to repeat the same thing twice. I didn't understand precisely what you were getting at at the time. This is the reason why I put the question again to you. I am asking if you are stating, as your medical opinion, that it would have been impossible to have determined the

effectiveness of sulfonamides - to have solved the problem which you undertook to solve, by using wounded soldiers? I should think you would be able to give "yes" or "no" answer to that question with perhaps a rather short explanation.

A. I can answer it with "no" if I say that what was demanded of us had to be carried out.

Q. And what was demanded of you was a speedy and rapid decision. Is that right?

A. Above all, a decision of war wounds or at least conditions corresponding to war wounds, and that quickly. The two belonged together.

Q. And if you eliminate the angle of haste, are you willing to tell this Tribunal, as a medical expert, that it would have been impossible for you to have solved this problem by testing sulfonamide on wounded soldiers?

A. I told you yesterday in great detail that clarification by means of inquiry is possible; that the German Army, like any other, attempted it; that until the end of the war there was no clarification in this way in the German Army just as in the case of others. There is no such absolute question in the clinical aspect. It is very simple to solve theoretically by setting up special units and special hospitals and sending them to the front and keeping the patients all the way through, but not practical. That was possible on a quiet front, but in the collapsing front, as it existed at that time, this was not possible.

Q. You yourself were convinced that sulfonamides were not effective in treating deep seated wound infections. Is that right?

A. You have asked me that before. I shall repeat. I personally said: "I will manage in Knochlychen without sulfonamides with my special staff." I summed it in that way, but I know that there were many others who did not have the facilities and, about 1942, at the time of this discussion, very important people represented a very positive point of view - I am not thinking of Krueger but, for example, Brandt and men of that quality.

Q. I understood you to state that you felt that the results reported on, with respect to the use of sulfonamides in treating long shot wounds, were not reliable in reaching a judgment about the use of sulfonamides on wounds to the limbs or joints because the long wound patients were kept immobile. Is that right?

A. I don't think the translation can be right. It does not make any sense.

Q. That may be the translation or, again, that may be the layman's point of view that you so severely criticized yesterday.

A. May I repeat what I heard. I understood the question to be whether I thought that lung wounds could not be successfully treated with sulfonamides because they had to be kept immobilized.

Q. No. As I understand the situation, certain doctors had reported that they had quite successfully treated lung shot wounds with sulfonamides.

A. Me ?

Q. No, not you. Others.

A. It was read yesterday by Dr. Seidl that Dr. Krueger had success with lung wounds, as a report to the second meeting following a discussion of the treatment of lung wounds by Krueger and the discussion following the speech, and, right under that, he read that Mr. Schulze objected to those successes - denied those successes. That is how I remember it.

Q. And didn't you feel that it was not proper to take the successful experiences reported in lung shot wounds and conclude that, therefore, sulfonamides were effective in treating wounds to the limbs or joints?

A. No, certainly not.

Q. Certainly not what? You said that that was improper....

A.(Interrupting) I mean that the fact that Krueger was successful in the lung wound that that does not mean that the same success did not obtained in wounds to joints. Is that the question?

Q. That's right. That is what I understood you to state, and I am now asking you why you reached that conclusion, and if I remember it correctly, you said that it was because that the patient with the lung shot wounds was kept immobile - he wasn't moved, whereas a person who had been shot in the leg or had some injury was transported.

A. Nobody said that yesterday. There was no discussion about that. The reason why I opposed Dr. Krueger... I can tell you that exactly. Generally, there were a couple or two consulting surgeons who belonged together, and Dr. Krueger was the one who reported the greatest success. His partner was Professor Schmidt from Bremen who was always mentioned negatively in the same discussion and Mr. Schmidt told me personally after I had happened to be with him, how

Krueger came to his big figures. He always told about 3000, about 100, and such enormous figures. He did not see them personally, of course. He had reports from others by telephone, etc., and that is why I had misgivings from the very beginning to the position of Krueger. At the most meeting, he was talking about abdominal wounds or some such things. That is absolutely decided. It is not a question of the case history. The question is whether the material on which the surgeon based his decision is reliable and that is what I doubted. But it was certainly never said that the lung wounds would be successful and the others not. There must be some translation mistake.

Q. What agreement did you reach with Nebe on the question of what would be done with the survivors of these experiments? Were they to be released? Were they to have their death sentences changed to a life sentence? Precisely what was the agreement on that point?

A. I told you exactly that the important thing was the chance of survival and that I told Himmler that that had to be kept in order, and the point is so that the individual in the course of time is loyal to the conditions. I believe there were two or three who were given pensions or sent to German labor offices. The condition was that they, of course, had to sign - not to agree to work with the Germans. The others remained alive but remained in the concentration camp. Himmler did not let them go. I didn't interfere with all those legal matters either before hand or afterwards, but I was assured that they would remain alive.

Q. Well, then you did not reach any definite agreement about precisely what was to be done with the survivors? All you knew was that they were to remain alive - whether still in the concentration camp or whether they would be completely released. Is that right?

A. I told you that explicitly and I will repeat the whole thing. You assume that everything was done in an orderly way - a peacetime way as it might be necessary for your support. That, unfortunately, is not how it was. During the time, Himmler hoped and thought that he would be able to assist in the Eastern area and resettle it compulsorily. There were certain groups of Germans and other nationalities he wanted to settle there. That was his plan and his conviction even at a time when it had become absurd.

Q. And as it actually happened you say they would release the Polish women only if they signed an agreement to work with the Germans?

A. Now you want to turn it around again that he made definite conditions on the other side. That was not possible. That was not my duty. At the moment of the experiment they remained alive and the whole thing was under the pressure of those enormous events. It was not so that from the very beginning of 1942 we knew that we would lose. It was not so that from the beginning we had only Poles who were not ready for a compromise solution.

Q Witness, will you kindly pay attention to the questions that I ask you, and try to give a short and concise answer. And please don't shout at me, or the Tribunal, because I have already conceded your supremacy in that matter, or of the volume of your voice. You stated a few minutes ago very clearly, that after the experiments were over those Polish women were not released unless they signed an agreement to work with Germans, is that right?

A I know that one was certainly given assistance, as we have heard from the witness Mrs Oberhauser, and I personally have thought out in a word, or two or three, how those questions were worked out with the Polish women in detail, and to what extent they were worked out, one did not know, and I did not know; I did not take part in it in any way. I beg your pardon for the shouting at you, as it was not my intention. I know that only from your own condition that when you reach, as here, a high point your voice becomes louder.

Q Witness, did you reach any agreement with Nebe about whether these experimental subjects were to consent to the experiment, or, whether, as Rostock got the impression in 1943, that the experiment was substituted for a death sentence, irrespective of the consent?

A I can only assure you, and if you ask me ten times, it was not my intention whether you considered that a negligence on my part, or not, I don't care; I would be lying if I told you anything else. I was very glad that Himmler took this legal side, as to the status of the doctors, and as I was told some one at the top took charge of this matter. I had no reason at that time to doubt the German State authorities in any way, or to distrust Himmler. How it worked out in detail was not a point of discussion in any way for me.

Q Then you don't know whether the persons experimented on in which was the sulfonamide experiment had been asked to give their consent?

A I have said, I don't know, and I don't know exactly, and with all assurances I was given that that was more or less voluntary, and I was not interested in that. I left that up to the legal authorities. Neither Fischer nor I heard a thing on this experimental subject or discussed it with them.

Q And I don't suppose that you know who under German law could validly agree to a pardon, or a release of a person sentenced to death on condition that he undergo an experiment?

A I repeat, I assume that under the German law if any one gives his approval he submits.

Q I don't think you understand the question - -

THE PRESIDENT: No, no.

BY MR. MC HANEY:

Q I don't think you understand the question. I asked if you know of a person in the German State who could validly or legally agree to a pardon or to release a person sentenced to death on condition that the person undergo a medical experiment?

A Of course, Himmler.

Q Himmler could agree to that validly under the German Law?

A Now first you ask me to be a medical expert, and you want me to be a legal expert. I can only say I have no doubt that at the time in concentration camps Himmler had absolute power, and that in my opinion he had an authority from Hitler, but certainly not from any legal authority. That was my opinion at the time, and it still is.

Q How many of those Polish women were made available for medical experimentation in Ravensbruck?

A I have already told you that we had fifteen men, sixty women, and after seven others, and that up the to our hand from the beginning I had counted on a large scale experiment. I simply remember the number two-hundred and five, that I can not say for certain, that is right; in any case, it was not that we did not need all the figures which we had mentioned, and it is not only my knowledge; it is more than the figure which the Poles know.

Q In other words, you do remember that Nebe made available something like two-hundred and five Polish women?

A. No. Now you want to have it the other way around. I told you that was at the start on a certain large scale experiment, and so it had to be settled beforehand, and so far as I know there were Polish women. I heard this number here, though they were condemned, they had been arrested, and I certainly remember that there were about two-hundred, say, to be for the experiments. You heard from witnesses that the other comrades were shot, but the others I don't know.

Q. This just exactly what I asked you. Were there originally something like around two-hundred Polish women? We are agreed on that, isn't we?

A. We do not agree that I said that. You have had from the beginning exactly two-hundred women; on the other hand, in the course of time under the pressure of Grawitz that number two hundred and five came to be that at one time. I never discussed the figures.

Q. And all of those women came to Ravensbruck in this transport from Poland in September 1941. Do you know whether that is so or not?

A. I don't know. I heard here for the first time about all of the transports, and where they were came from. I did not take any interest in that, and I was very glad that I did not have to worry about this matter, and to inquire about it. It was a transport from Lublin of seven-hundred, I heard that figure here from the file, or from the records of the trial, or from the testimony of the witnesses, or by some one those figures were mentioned.

Q. As a matter of fact, you only experimented on sixty Polish women in the sulfanilamide experiment, is that right?

A. Yes.

Q. Who selected the sixty women out of the two-hundred that were available?

A. I told you how that was, quite explicitly, that in a preliminary discussion between Grawitz and myself we decided that we were to start on a large scale experiment, and in the execution, nothing else, and Fischer filled up, and in my behalf, of course, and said we are coming, we will

dis with five or six. From the tes[illegible]ny of the witnesses I read that either y were there called up according to a list, or that they were picked by personnel. It said here that the secretary of the camp, and that they called together, but we had noth[illegible] to do with the selection, and tainly Fischer never interfered in it, and never told me anything about , and I myself did not make any selection.

Q. But you do concede that somebody organized a selective process in ssignment in Ravensbruck, because you [illegible] sixty out of some two-hundred, s that right?

A. No. Not what you just said, I did not appoint nor make the selection that camp. I think that the records of the these groups were in Berlin, at is something I learned, and this here, that the RSHA, the Reich Security in Office, had an agency in the camp, and that they examined these things, said what death sentence which had [illegible]en pronounced, say, of one-hundred or and so groups were considered, and the [illegible]ight then, and use these. I never into this process. I never worrie[illegible] about it. I don't know, I was sure this examination would take place, and that the selection would not be trary.

Q. And you say you had no contact [illegible]h Mrugowsky in obtaining the ure -- the bacteriological culture [illegible]d in producing the infections?

A. I beg your pardon, I can not r[illegible]ber that Mrugowsky had anything do with it.

Q. Well, by the way, Fischer said in his affidavit, in document book o. 10, document PS-228, exhibit 206, page one, of document book, page ree of the affidavit, Fischer said that since no inflammation resulted rom the bacteriological culture used in the first two series of operations, was determined, as a result of corr[illegible]ondence of Dr. Mrugowsky with the [illegible]f of the Hygiene Institute of Wa[illegible]-SS, and conversation with his [illegible]stants, on the change of type of b[illegible]eriological culture used in equent operations, do you know wh[illegible]r or not Fischer is correct when he [illegible] that statement in his affidavit?

A. I told you my point of view. Tactically, I refrain from discussing Fischer's testimony, because I am not of the opinion that was anything against him. Fischer would testify to what he remember. I personally am of the opinion that Mrugowsky was not there, from the whole construction of things, either of the finding by bacteriological clinician, whether by letter or not, I would admit about Mrugowsky, but I don't remember him. On the other, am certain that delivery came from the office. Whether there was correspondence, I don't know. I know that a man always came and brought it. Fischer knows that the letter was signed by Mrugowsky. Please ask Fischer about it.

Q You spoke of the post-op[illegible] care given those women?

A Yes.

Q What provision did you make for those women who were ill for months and years after the experiment, for example Kuzniarczuk?

A First I deny that they were sick for years. That is not true. Kuzniarczuk was really the worst case of all, and she admitted that she was sick until about July or August. She had an abscess, if I remember correctly. One of them had an abscess. I don't have the records here. I can't say exactly. In any case, it is not so that a large number of women were sick for years. In the second place, in the long run in the cases of acute tumor the women were given therapeutic safe-conds, as I have described, and then they were turned over to the camp physician. They went back to the blocks and were used to be treated. Most of them healed very quickly. I described the therapeutic results to you yesterday, that is operations, quite as [illegible] therapeutic methods.

Q And if anyone was ill toward May 1943 or August 1943, just to avoid any argument on the dates, you left them in the care of the camp doctors, isn't that right?

A Yes. After that they might have called me in if there had been anything, but we didn't hear anything more about it.

Q And you spoke of cosmetic appearance of the wounds on these women, if you make any provision to improve the appearance of those women's legs?

A May I answer you frankly ---

Q That is certainly what I expect.

A After the healing one can improve the area of the wound before two years have passed. Generally we wait three years. That is a mistake on your part. You think that one can perform an operation immediately, and you see from the photographs which were very impressive here, I don't remember the names, but it was in 1945, two and a half years later, in Warsaw, that an attempt was made with good success in one case and with an inflammation of the foot in the other case. The con-

ation is not as bad as the ration itself says, but there was a difference. It is not so that the one operation can follow the other immediately. We wait over two years, you can read from my report which I gave at the Third Meeting, where I say we have no scheme one should wait for years. I don't mean the Polish women in particular. I was speaking generally.

Q. Doctor, I am not aware of your having mentioned to you that you could improve the cosmetic appearance of those women on the day following the operation; my question was had you made any provision in regard to these matters, and I don't think you answered the question.

A. I don't know what you mean by provisions. If you mean that in combatting the infection we were to consider the extent of the cosmetic harm, if I am to understand the question in that way, then of course not.

Q. Let's make it very easy for you. Did you have any intention of further operations on these women at later date to improve their appearance, or otherwise improve their condition.

A. That is not possible in combatting. Where cancrene appears one must go after it with the knife to save the joint, no better but sacrifice is necessary in the appearance picture. I don't know what muscles I will need for this purpose or that. The combatting of the infection and the future appearance cannot be united clinically. These two things do not belong together. You want to prove that I was negligent, that I combatted the infection, but I did not care about how it looked afterwards, then I say, yes, that is not negligence.

Q. I haven't said a word about negligence. I haven't meant to infer anything about negligence, but the fact is after you operated on Wasiorczuk and saved her life, as you put it, you knew that she was disfigured?

A. Yes.

Q. I am asking you if you had any intention of trying to improve her appearance, if you have any plan or did you take any steps to do that?

A. Certainly not. It would have been wrong to give massage or baths afterwards, or anything else. That has to settle down and heal. The earliest would have been 1945, and then, of course, I did not. I was not in a position to worry about the Russlarsruk case anymore than German courts were even transport at that time.

Q. You completed the sulphanilamide experiments in December 1942?

A. Yes.

Q. And you written a report on these experiments?

A. Yes, on the sulphanilamide experiments. There was great interest in them. I talked to Stumpfegger once briefly about them, and talked to Grawitz, and there were reports, and then there was a final report in December or the beginning of January.

Q. To whom did you send the final report, was it only to Grawitz, or did you send it only to Himmler, also?

A. I cannot tell you whether a report was sent to Himmler himself. I should think that it was discussed with Himmler during his Christmas visit, and that Grawitz sent it through official channels. I can't tell you exactly. Grawitz certainly got it.

Q. Do you know whether you sent one to Gonzkow?

A. Certainly not. Gonzkow had nothing to do with it. Gonzkow had no part whatever in the experiments, and I certainly never sent any report at all to Gonzkow during the whole war. I wrote to him or called him up when I needed something.

Q. You didn't send a report to anybody outside of the SS?

A. Outside the SS, no certainly not. It could only have been Grawitz or Himmler, or Grawitz alone or Himmler read it when he visited us.

Q. Didn't you have occasion to make an oral report on these experiments to Grawitz or Himmler in 1942?

A. I have already told you that it was not 1942. That last year I said that I think that when I talked to the two gentlemen, not on the experiments but about the application. That in my first testimony, I beli-

ove I said that I came from the Fuehrer Headquarters and that Brandt got out of the train at the same time. I have a vague recollection of having told the two in the railroad station, "I would like you to know this is going to be published," and something about experiments on human beings, and after I was arrested I met Brandt in Dachau, and he said no, that he had not talked to me about it, and Rostock told me, no the preparations hadn't been in his hands at all. Then I must have discussed it with Schreiber. I must say honestly last year I remember it like that, and now I can't say exactly. I said what I reported.

Q That was Rostock at that time?

A Rostock and Brandt.

Q Let's go over that a little bit. I have your interrogation here of 5th November, 1946, and you stated there that "I am sure I once told Brandt, without any order, that this anonymity of the whole matter is rather nonsensical. Now, he claims he cannot remember thought, and once I told Rostock, 'Do you realize what we are reporting?' I do not know what Grawitz wrote to you. I am telling you Himmler ordered this, and that concerned the question of sulphonilamide that is being done. These experiments are to be performed, but I give the scientific advice only because German science can make use of it." Then you were asked the question: "Was it at that time clear to Rostock or Brandt that experimentations on human prisoners were concerned?" You answered, "Evidently."

A That is what I told you, I said that last year in the matter of the publication at the meeting I was of the opinion I discussed it with the chairman at the meeting, Rostock, in about those words. I don't know what difficulties are being made by Grawitz. Rostock said he was not in charge of the preparations at all, and Schreiber said that he learned this through official channels. I can only say I reported as I remember it. The question was the matter of publication, and now the two men deny it, and I can't say for sure.

Q As you remember you stated it in this interrogation that your talk with Brandt and Rostock took place in December, 1942, didn't it?

A. I said December 1942? That is nonsense. The new meeting was not being discussed yet at that time. I spoke of anonymity and the failure to publish it. I don't think that the Jay meeting was discussed so far ahead. I believe that I said, as I remember, between the two meetings when the next meeting was being prepared. If I actually said December that is too early. December it was finished, yes, but I do not believe that the preparations for this Jay meeting were made as early as December. If I said that I have incorrect myself. The reason was that Brewitz was trying to get around the President. The question was finally around the title. I believe the testimony says something about preparation for the meeting, but I don't know.

Q. Now, did you have any correspondence with the person who was handling this meeting in May of 1943 about this report, whether Schreiber or Rostock, did you correspond?

A. No, I can tell you what the official channels were, please make a distinction between the official things and what I do in addition by speaking personally. The subject of the third meeting was set up by the person preparing it and I learn now that that was Schreiber. One of the questions of the daily program was sulfonamide. Then these questions were sent to all branches of the Wehrmacht including the SS, that is Grawitz and Grawitz inquired of all his people, the surgeons and the hygienists. Apparently he talked to many because sulfonamide and all other things on the subject could be reported on. Then I reported my four other subjects and of course I also reported the sulfonamide question. Then this went back through the same channels to Schreiber. I went to Grawitz to ask what subject I was to speak on so I had to prepare for it and I was interested because there was the objection in the sulfonamide questions. I know for certain that I also - not in writing - spoke personally with the person preparing the meeting and to state it briefly I said: "Do you realize I am coming, I am going to speak openly?" I thought this man was Rostock but I have been corrected and I am told it was Schreiber and he says he only took it over at the meeting. This is possible and can be confirmed by Schreiber. On the other hand, in this own document back and forth so much I can only say right here that I testified to the best of my knowledge.

Q. You also said you talked to Brandt on this matter; Karl Brandt?

A. The very first statement says possibly that I came on the train and met the two men at the station; I don't think so?

Q. You were together on that occasion; if you remember it?

A. I think I arrived with the train with Brandt and Rostock or I met him or something like that. That is how I remember it and that was I believe what I said in 1945. Now, of course, I don't know what questions were asked in 1945. But that is how I remember it now.

Q. Now, didn't Brandt or Rostock also orally invite you to lecture at the meeting in May of 1943 on sulfonamide?

A. No, the request for my participation in the meeting came through office

channels, through the Wehrmacht Medical Inspectorates, that came through Grawitz and he got it through the control office of the Wehrmacht. Brandt had nothing to do with it and Rostock did not attend, he did not prepare for the meeting. I don't know.

Q. In your interrogation of 17 October 1946, you were asked in connection with the sulfonamide experiments: "Q: At this meeting you reported on the success or failure of your experiments? A: Yes, an assignment was given for the meeting. I was scheduled for it officially and that came through Grawitz. Orally I was informed by Brandt and Rostock."

A. No, in the first place I never signed these things and that is nonsense. That is always the same thing. I talked to Rostock and Brandt about it, they did not inform me, I informed them. I certainly did not say that.

Q. Now, without wishing to get into a long discussion on the results of these experiments, these sulfonamide experiments, am I correct in stating that you reached the conclusion that sulfonamides were not effective in treating gas infections; can you formulate very concisely and briefly the conclusion that you reached as a result of these experiments?

A. Exactly the first six lines of the directives; that is the summary.

Q. This is from the report of the meeting in May, 1943, Karl Brandt Exhibit 10 on page 22 of the Karl Brandt Document Book I, reading from page 30:

"Experiments (Gebhardt-Fischer) showed the following results:
Even the immediate internal and external application of sulfonamide preparations cannot prevent a suppuration of the soft parts due to ordinary suppurative organisms. It could not be proved that the course of the inflammatory diseases caused by anaerobions is influenced by sulfonamides. The sulfonamides seem to have an easing effect on the course of combined gangrene therapy."

Now Doctor, can you state the conclusions reached in your experiments were reported at this meeting in May of 1943 in face of the fact that the rules governing the application of sulfonamide as contained in these directives seem to state that you should continue to use sulfonamide?

A. I am convinced that the translation was not right, it was:
"Are you in a position to state that your directives were applied although..."
and that was all.

Q. I will restate it; in face of your conclusion that sulfonamides were not effective for certain types of wounds, I am curious to know whether that conclusion was actually accepted and adopted in the directives issued at this meeting, in view of the fact that the directives later on seemed to say you are to continue to use sulfonamide?

A. This contrast between our results and all the directives of the clinicals does not exist in that form. No testifier that the sulfonamides were a preventive drug that came from the beginning, that they would prevent infection was shown to be not true. That does not mean, however, that one cannot in the course of treatment use sulfonamide. The Clinical Doctor Frey, who also spoke and who had no connection with our presentation, came to about the same conclusion, although he recommends sulfonamide and later more strongly than we did. The directives show the results which we had, the results of Clinical Doctor Frey, a pathologist and someone else were published next to each other as the present state of thought was represented, but of course it is not so that there was a definite connection. One must act on this in this way, the evidence was given which had been reported at that meeting.

Q. Well, but after you gave your evidence didn't they continue to use sulfonamide in the same manner that they had before you made your report?

A. No, I don't think so. Certainly not in the Waffen SS. Before hand it had been flown in and some parts of our divisions thought that sulfonamide should be put in directly and they even thought that one could give the troops a bag of sulfonamide and that the whole thing was stopped, that those who are a little more scientific tower sulfonamide has no weight. Our contribution helped to achieve this. In my own field this became the basic attitude as far as I was able to make it prevail.

Q. Well, doctor, I am quite sure that you convinced yourself that you were right in the conclusions that you reached that sulfonamide wouldn't prevent infection in wounds, but I am asking you how successful you were in convincing other people, the other branches of the army, and I point to the directives here on page 31 of the document book, and it says that all surface wounds should be sprinkled as soon as possible with sulfonamide powder, and it goes on to say here to be sure and get the powder to the depths of the wounds. Is that not the contrary of the conclusion you reached in your experiments or not?

A. I don't have the document before me. I have only my own document book. May I ask what you are quoting now? Is that the work of Professor Frey that was dealt with on the same day? Was it at the same meeting, if I may ask?

Q. Witness, I am reading from your document book. Do you have that in front of you?

A. Yes, yes, yes.

Q. Page 31.

A. Yes, that is Frey.

Q. Well, now, wait. Let's try to get that point straight first. On page 30 you find the meeting "Directives for the Application of Sulfonamides", and under there are summarized the conclusions reached by Gebhart and Fischer, by Tonsroth, by Mueller, by Frey, and then I find the heading "The Following Rules for Practice Therefore Result", and maybe I interpreted the directives wrong, but I thought that was a directive which was based upon all the reports and not a directive by Dr. Frey.

A. No, but I explained that yesterday. That is the difference between this and all other reports. Otherwise some kind of a resume is reached. If, for example, you look for the treatment directives at the same meeting, they have my wording from "A" to "Z" because my suggestion was accepted. In the case of sulfonamides there was some agreement reached in a point of view, but our attitude did not prevail, nor did Frey, who

had not known anything about our experiments before, join us in our opinion. You see that the results of all four are listed separately with the names.

Q. That's correct. Well, then, under those four summaries the meeting says that "The Following Rules for Practice Therefore Result". Now aren't those rules being stated by the meeting as a whole and not by Mr. Frey?

A. I still haven't found it.

Q. Page 31.

A. That was Frey. You are mistaken. That starts on page 30: "The clinical discourse (Frey) emphasized the decrease", and so forth, and then if you read the whole thing then Frey at the end of his speech made a summary for practice, which is exactly the wording which comes here. That is the clinical part of Frey summed up, and in the beginning is Gebhardt also summed up. I don't find Randerath. That was Frey's text. It says in the beginning "Frey" ten lines before.

Q. Witness, I am not going to engage in any argument with you, but I am going to pass the original up to you, and, in my opinion, the original shows very clearly that "The Following Rules for Practice Therefore Result" are rules being issued by this meeting and not by Frey and don't represent a mere personal expression of opinion by Frey. And if I am correct in that, then it tells you that this committee didn't adopt the conclusion reached in your experiments at all because the instructions and rules say you are to continue to use sulfanamide powders on wounds. Now it is on the lefthand page. It was handed to you at just the right place there.

A. Would you permit me to look at Frey's report first?

MR. MC NAMEY: Does the Tribunal have before it the Karl Gebhardt document book?

A. It is certainly the text of Frey, but I will be glad to discuss it with you. You are misinterpreting my statements. "The powder treatment is of no use if the depths of the wound are not reached." But it

had not known anything about our experiments before, join us in our opinion. You see that the results of all four are listed separately with the names.

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shows ---

Q. Just a minute, witness, let's determine one point at a time. I am asking you if the "Rules for Practice in the Use of Sulfonamides" appearing in this report of May, 1943, aren't rules issued by the committee or meeting as a whole?

A. I told you I do not believe that they were discussed; that, on the other hand, I have admitted that I have no objection and that my report was put at the beginning of the reports as well as at the beginning of the directives. If they had been rejected or had been changed, they would not be listed at the beginning, or I would have been forced to change them. My text is the same in both places and then there come the anecdotes of the reports of the others and especially in great detail the clinical report. Ours was much shorter and not on such a broad basis. The contrast between those four reports is not as great as you assume.

Q. I am assuming nothing, but isn't it true that where the words read, "The Following Rules for Practice Therefore Result", are rules being issued by the committee and are not rules simply being stated by Frey in his report?

A. Certainly, but also all the proceedings from the word "directive" on.

Q. But don't you concede, Herr Professor, that these rules directing continued use of sulfonamide conflict with the conclusions reached by you in your experiments which you yourself have described as negative results?

A. You must be convinced that both would not have been published next to each other if they had been in strict contrast. Then it would have been nonsense to publish them. It is not possible to prescribe to a surgeon at the front on the basis of this meeting: In the future you may proceed only in the following way. On the other hand, in the beginning there is an explanation on the basis of the results which comes to a very extreme point of view, and that Frey has described his clinical experience without our detailed experience, and his conclusion is that newer should

continue to be used.

We do not object to using powder secondarily, only primarily, that the main consideration is that the powder should reach the wound. "It is ineffective to powder the small wounds caused by the penetration and exit of the bullet." The contrast is really not as great as it seems to you. The fact is that the meeting and the person who set up the book listed all the results as important, one next to the other.

Q. Didn't you get Stumpfegger his job as escort physician to Himmler?

A. I have already told you that I did not get him his job, that there were two of us in the Polish campaign. Stumpfegger was my assistant, and this gradually developed by itself. I saw that Himmler liked the younger man to come to him and he didn't mind if I went to the front. It was not so that I had to take him there. He was always there from the first day on. In the beginning there were two of us.

Q. Now you have assumed responsibility at least for the conduct of the sulfanilamide experiments. What about the bone experiments?

A. I tried to describe that to you yesterday, to what extent I feel responsible and how it came about. Stumpfegger came to us with the approval for the experiments. He even had the assignment that we were to take a considerable part in it. The clinic did not participate. Stumpfegger told me what he was doing. Stumpfegger worked there alone. I was dependent on Stumpfegger's report and on what he told me, but I did not check his work.

Q. Didn't you ask him to report to you?

A. I have already told you that there was a certain contrast there, that it was a big chance for him. I would take the responsibility just as I did in the case of Fischer if that had been the case. Stumpfegger wanted this chance but I wanted to know what was going on over there.

Q. Didn't you assign Fischer work with Stumpfegger?

A. No. I said Fischer was to work with Stumpfegger when we were still together if it was possible to help him. I don't know how far it

had gotten in October. I was not there at the time.

Q Well, to the extent that Fischer worked with Stumpfegger, you assume responsibility for that, don't you?

A The fact is that Fischer did. Yes, sir, of course.

Q Was not Stumpfegger working on his habilitation thesis under you on these bone experiments?

A That presentation is not right. Stumpfegger had two men ahead of him. He was, no doubt, expected to qualify as a lecturer, and so far as one can discuss it beforehand, the assignment was that the problem which interested the town was to be discussed. That gave him all our material. He had two other men ahead of him. Then Stumpfegger worked on this, and says he did not report to me primarily, but to my former teacher.

THE PRESIDENT: The Tribunal will be recessed.

(recess)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: I would ask counsel if it is his intention to have these documents, NO-649 and so forth, marked for identification?

MR. MC HANEY: No, Your Honor, it is not.

CROSS EXAMINATION (Continued)

BY MR. MC HANEY:

Q. Witness, did you before the operation on the patient Ladisch?

A. Yes.

Q. What did they do - what did Fischer do? I think it was he that removed the bone from this Polish woman at Ravensbruck. Precisely what operation did he perform on that Polish woman, do you know?

A. Yes, I do. Permit me to describe that briefly. I know that I said so and spoke at such length yesterday that not everything I said was interpreted. I should like in the case of this experiment to confess my responsibility completely and openly, as far as I have to take it, as I have done so before. In the case of this bone experiment it is true that the idea didn't originate from me and I should greatly have suppressed it had it been possible. It was not absolutely necessary for the clinic and as can be seen from all testimony Stumpfegger came from the outside to us with the matter. In all the world I cannot describe how responsible I am for Stumpfegger. I might incriminate myself further but I can try if you wish, if I would state he was directly under Himmler and had nothing to do with me, for he report to me and I advised him against it. At that time there was no mention of carrying out the experiment on a joint. Neither he nor anybody could expect much from it. I certainly did not expect much from it. Please believe me in this. He came to a surprising conclusion. It is a matter of course that any experiments on human beings were only a matter that concerned Stumpfegger and had nothing to do with any other office. If I said something that leads to a different conclusion, I beg your pardon. I only said the problem was different. He came to a definite result, wished to check on it, and was given per-

mission to do so. My participation was that it was carried out for a patient in Hohenlychen, and that on the other hand I knew that a shoulder blade was removed. It was provided that there were to be two separate operations, Stumpfegger on one hand to take out a spatula, and I on the other hand to carry out experiments on persons endangered with cancer. Stumpfegger also made the preparations, and in the morning when we went to the operation Stumpfegger laid emphasis on the fact that he should be my immediate assistant because when he inserts the shoulder blade he would like to know the conditions from the very beginning.

It was for this reason, without any previous planning that Fischer, because he was the only one who knew about this, unfortunately was sent to Ravensbruck, took part in the operation already planned by Stumpfegger, being supported in this by a doctor there -- I believe it was Schokowsky -- and then brought the shoulderblade to me. I operated on the sick person. The shoulderblade was brought back and was reinserted by Stumpfegger. Since it is an old rule in surgery that the oldest surgeon is responsible, I, of course, am responsible for that operation in Hohenlychen. I wanted to explain that yesterday; but because I was so tired I did not do so clearly. I wanted to say that previously, it is not my intention to evade this question.

Q. Now, did they take the scapula from the Polish woman in Ravensbruck?

A. Yes.

Q. Will you tell the Tribunal which bone the scapula is?

A. The shoulderblade, as I have already described. I chose this as the least dangerous operation rather than some other point because I had experience in the case of the sick person with cancer. This is not to sound as if the shoulderblade was altogether unimportant; but it is possible that a person can do without his shoulderblade. It is for this reason that we chose the shoulderblade, sooner than if Stumpfegger would have removed a larger joint. The shoulderblade is the joint I am speaking of.

Q. Could they remove this scapula from the Polish woman without destroying the muscles in her back?

A. No, we didn't get so far. There is a crescent-like incision; the shoulderblade is removed; and then the muscles rise into that space so that the joint still remains movable. However, the raising of the arm above the horizontal is no longer possible when the shoulderblade is removed. This I observed on the patient in question.

Q. Do you know what happened to the Polish woman from whom this bone was removed?

A. I have already testified that Stumpfegger reported to me specifically that in all his experiments there was not even a case of infection and no

interruption in the convalescence. It was not that Fischer would have come over if Sturmfegger had not been in on the operation. I repeat, none of Sturmfegger's operations were controlled by me.

Q. The removal of this bone from the Polish woman and transplanting it in Ladisch, the patient at Rehenlychen, is described as a heteroplastic transplantation.

A. The word 'heteroplastic' came up once; but that is a false expression. 'Homeoplastic' is the word. That means a transplantation from one person to another.

Q. And autoplastic transplantation?

A. An autoplastic transplantation, which is the heading under which all of Sturmfegger's work fell, is the transplantation within one person, from which you are not to conclude that specifically the shoulderblade comes into question.

Q. Now, two witnesses Madam testified about the removal of whole extremities from certain of the women at Ravensbruck. As I recall, she said they were insane persons. Do you know anything about that?

A. You are connecting it to testimony. You know that in the monstrous affidavit from Madam those matters are to be found. "Insane persons were subjected to severe operations, transferring parts of limbs". She also says that she had heard from another patient who had seen it that from a Polish woman an arm was cut off for the sake of the shoulderblade. Then under examination she said that preparations were taken for this. That is at least the way I recall that testimony. At any rate I can tell you that except for the shoulderblade for which I admit my own responsibility I heard of nothing else in that direction nor do I think that Sturmfegger acted on his own in this direction.

Q. Coming along to the freezing experiments, did this report which you received from Ruscher on the dry freezing experiments speak of keeping the inmates outdoors naked, in freezing weather, for extended periods of time?

A. I can tell you no more than what I said yesterday. There was a

experiments for the front. A practical report that related to experiments there; and I admit it and state specifically that it was not so drastically carried in there. Otherwise I should have remembered it. But he did say that experiments were carried out on the prisoners there because I explained to him that unless he had front experience this was not necessary. But to the extent that you wish to see it, I do not believe it took place.

Q. After your talk with him in May 1943 didn't you take steps to assist him in further work on freezing experiments?

A. I told you yesterday what really took place; and you showed me the document that related to this. First of all I was sick; was operated on; and Rascher sent me his report. The report is very cautious, simply a practical presentation of what he was doing; and he considered an exhaustive scientific utilization necessary. Him only for that would he need my help. I am unable, however, to tell you when I found out about these things. In addition, I now red this report briefly and certainly wrote the letter that you have here.

Q. Let's put this letter before you. I don't know that it's been offered in evidence, although you may have it available and have seen it before. This is Document NO-232 - you signed this letter, did you not, Witness?

A. Yes, of course.

MR. MCHANEY: Document NO-232 is offered as Prosecution Exhibit 455 for identification. This is a letter dated Berlin, 11 June, 1943, from the defendant Gebhardt to the defendant Rudolf Brandt.

"Dear Comrade Brandt: I had the opportunity to get together with Comrade Rascher shortly before my illness. With a sound, critical approach toward his work, we very quickly came to an agreement in his enclosed letter. He himself emphasizes that the results are still incomplete as yet and need further corroboration. This, however, is only possible if the necessary apparatus for this type of work is available. Rascher has explained that in his letter. I beg you now to examine if the necessary steps are to be taken by you through the "Ahnenerbe" or by myself in order to have the needed apparatus

issued to Rascher. Only if these prerequisites exist can valuable scientific work be accomplished.

"As for me I am concerned, I can only tell you that I am well and that I'll have myself transferred to Schonsychen one of these days.

"Heil Hitler, (signed) Karl Gebhardt."

Q. Now, Witness, doesn't this letter indicate that you were taking steps to further the work of Rascher?

A. No. May I too please read this letter aloud? "The Rascher experiments are concluded. They are winter experiments and they shall not be continued the next winter". The entire question of his experiments is stated specifically, that "the entire problem shall be reexamined after Himmler has spoken to Gebhardt. That is the definitive point in my attitude." On the other hand, if you will take a look at the letter, the fact that I say "Comrade Brandt" doesn't mean that I was particularly friendly with him. That was just the custom. A good critical approach means a very critical approach. In this enclosed letter he emphasizes that the results which he had presented to Himmler as conclusive are only incomplete and still need further work. Then there is mention here of apparatus that he needs and so forth.

This of course was not true and I knew already that at that time. He came to me without my wanting him to which no one seems to want to believe. That I should specifically give him apparatus, that of course you don't believe, Herr Brandt, for this pertained to this Blumenreiter. Nothing happened after this letter, that he was not even able to have himself named as a hygienist.

Q. But witness, this letter concerns Doctor Rascher being furnished apparatus in order that he can continue his work and you are inquiring of Brandt whether you should furnish him the apparatus or whether that would be handled through Himmler.

A. It says further apparatus to corroborate the previous experiment, viz. not for new ones; and I believe this was a lie, because what would he want to corroborate again in those experiments? That I never had to provide apparatus for anybody, that is perfectly clear. The essential point seems to be that no further experiments will take place any more if I go with Himmler. At that time I had not visited Himmler. He was with me in May, then there was the lecture, then I had to be operated on, and only then did I go to Himmler.

Q. Later on in 1943, or early in 1944, you tested Polygal with Rascher at Hohenlychen, didn't you?

A. No. That you assume from the letter, because it states there that he should do so, but I cannot recall that at all. I was frequently absent and after that I did not see Rascher. Name of my man reported this to me, but it is true that Polygal was examined in Hohenlychen. It states in the letter that the man should report to me or to the assistant physician in charge, but there was no further communication with Rascher. Matters proceeded rather rapidly, and at the beginning of 1944 Rascher withdrew.

Q. Well, maybe you will explain to the Tribunal then how you knew that Rascher had carried out experiments with this Polygal by shooting at you, and I refer you to your interrogation of 17 October 1946, in which you state you were asked the question in connection with Rascher's

Polygal experiments: "Where did these experiments take place? "Answer: "That I do not know. About the middle or end of 1942 Rascher came to see me in Hohenlychen. I remonstrated with him and asked him to tell Himmler that the application of this remedy involved the danger of bleeding to death. Rascher admitted that he had conducted experiments. I did not understand that because his point of view was wrong. I asked whether he had conducted experiments and learned that they had been carried out on persons who had been wounded by a shot in the course of the experiment."

A. In 1945, I stated, and in much greater detail, that Rascher came to me because of Polygal. Now when these later documents were submitted to me, I did not recall that. I knew that the decisive showdown with Himmler -- when that took place was about Rascher about Polygal -- but I immediately admitted when I saw this document, that Polygal was sent to me and saw that there was a false recommendation at the front, which is referred to here in a not quite correct translation. I went to Himmler and had an extensive discussion with him on the subject of Rascher, and if Rudolf Brandt was to know anything of this showdown between Himmler and me, it was because of Polygal and this matter. I was with Himmler, and since I do not have the documentation I cannot remember it precisely but it seems to me that Himmler, thinking that Polygal really protected persons against bleeding. For that reason it was tested by Rascher and it was for this reason I wanted to point out how senseless Himmler's attitude was. If you fatally wound someone and if he then bleeds to death you would not need a coagulant. In other words, I, without wanting to interfere, do recall that the decisive point was Polygal and not the memorandum and I kept the two strictly separate. In my opinion, Polygal did not play any role at that time, but only later, and I indicated this to Himmler. It is simply not possible that Rascher knew of it.

Q. Did Rascher tell you that he shot people to experiment with this blood coagulant?

A. I am just telling you. I believe it was not so because I described that I had had a row with Rascher because of Polygal, but on the strength of all the documents I see that this is not correct. Polygal came four months later. It was because of a memorandum that I had a row, together with the experiments which were presented. Immediately I saw it I admitted that I was getting things mixed up.

Q. We understand that Polygal was not mentioned when you met with Rascher in May 1943 at Ahnenlyehen.

A. Quite, yes.

Q. Now then, you have stated in your interrogation, and I understand that you now admit that you knew that Rascher had experimented with this liquid coagulant Polygal by shooting it into and I am asking you from when did you get that information and when did you get it?

A. Since I hadn't seen Rascher after that, and since the first meeting was caused by something other than what I recollected, it can only be from Himmler that I heard it during the discussion about Polygal; and the reason I have just given is that I no longer remembered that the memorandum had been submitted; but it is quite definite that I was told that everything that I was telling was wrong, -- that the drug was effective since it had been checked with someone who was bleeding to death,-- and there that could only have been Himmler since I did not see Rascher for a second time.

Q. And do you remember when you met with Himmler?

A. In November. In other words it was in November that this letter von Brandt originated and that this conference took place so it must have been in November 1943 or previously. The letter I saw yesterday is dated the end of November, when Brandt writes to Rascher that Himmler is thinking differently about this whole affair, everything should be number-checked, and discussion with Gebhardt had taken place, and that was the last week of November.

Q. And did you, at this meeting in November 1943 with Himmler, take up the whole question of medical experimentation in concentration camp in -

patos?

A. I have already told you yesterday that at that time in connection with this experiment, and drawing attention to what I had been through, I, if I may say so, expressed my opinion to Himmler rather severely and clearly. It is not true that I could have said to Himmler "Now let's put our cards on the table. I want to go into everything that happened," but I am wondering if it is known or not. I went there quite worked up and I went into Himmler's office and said, "This is a classical example." I was convinced that Polygal had incredible value in the application which was recommended to him, and there I, as a surgeon, could prove to him that he was wrong in every respect and I gave him reasons. This example was sufficient for the showdown. Not that Himmler, who did not like my telling him things, would have proceeded to say, "All right, I'll tell you everything also, and you can judge it."

Q. What understanding was reached between you and Himmler at this meeting with respect to further medical experimentation on concentration camp inmates?

A. It is quite clear that you could put this to me. Between a commanding officer and his subordinate it is not the custom, and coming from Himmler even less, that Himmler then would have told me, "Now let's discuss this clearly and from now on things will be handled in the way we have agreed or we have discussed it." I emphasized and explained strongly yesterday that this is the opportunity when I put everything of my mind which I had to say in this connection. I proved to him by means of Rascher's example that it is wrong, when people approach him and when he makes an immediate decision without having previously inquired about the quality of such persons, and also that I requested him particularly that at least in my surgical sector he should hear me since the example of Polygal was sufficiently strong reason to point this out to him. That was the only occasion when it became obvious that we had a clash as far as I can recollect; but of course Himmler did not in any manner dictate the course of the day and provide for the subse-

quent three years to adhere strictly to my suggestions. After all you can see from the answer which is given by Brandt that once again another expert came in, this time Professor Seitz, a homeopath from Berlin. I had just warned him against the homeopath influence, and yet once again he is called in as an expert for Hascher as far as this letter of Brandt's is correct, of course.

Q. Now the decree of May 15, 1944--will you tell us what was in that decree?

A. Why I ask you to put the decree before me. I don't know it. Why I tell you personally where I had been in the meantime? At about Christmas Mr. Speer was ill. At that time he was the most important man the Fuehrer had in this area, so it was only for the treatment of Speer by special order of the Fuehrer that I was detached from any other type of work. I lived with Speer. I nearly died on me twice. I accompanied Speer to Italy, and thus for the rest of that spring, right until after Easter, I was away, coming back just in time to prepare the meeting of 1944. During the entire period I did not deal with any matters relating to the SS. In fact, I just was not there. I can not tell you what is written in that; but if you will put it before me, I shall be only too willing to discuss it with you with reference to what I still remember and what I begin to remember now, but independently of anything that you are putting before me, I still have an idea which, and I want to tie myself down to it as far as the things I am remembering now, I have presented. I told Himmler, "This is a classic example, to a Polyzei business. It has to stop, if every medical office is bringing ideas to you and that then immediately decisions can be made to the effect that an experiment should take place."

Like any other subordinate, I can not forbid the supreme commander on the staff to make decisions, but I can ask that at least in my sphere, and, if he is intelligent, in every sphere, previous inquiries should be made by him and the people who appear before him.

Q. Well, let's put the decree before you, witness.

A. Yes, I see.

Q. This is Document NO-919, and the Prosecution asks that it be marked as prosecution exhibit 440 for identification. This is a letter from Heinrich Himmler, dated 15 May 1944, or, rather, decree. It reads as follows:

"I hereby order that medical experiments to be carried out in concentration camps have my personal approval. This order is to go into effect immediately. All offices within the SS and Police which deem necessary the carrying out of medical experiment in a concentration camp will have to submit to the Reich Fuehrer SS and Police an application stating the proper reasons. In this application information on the problem involved, the extent of experiments to be carried out, the number of prisoners needed, as well as

presumable duration of the experiment will have to be clearly shown.

"The Reich Physician SS and Police will submit the applications to me along in the critical opinion of the Chief Surgeon concerning the technical aspects, the opinion of Group Leaders Nebe and Glucks.

/signed/ Heinrich Himmler."

here is a note to the left that this is a true copy, with the signature rowitz, and there is a further note on the original to the effect that copie sent to Professor Dr. Hirt in Strasbourg, SS Hauptsturmfuehrer Dr. ster, "for information and attention in future new experiments." Then there the note, "23 May 51", which I presume to be the initials of Sievers.

itness, is it not true that in all experiments on concentration camp ters following the issuance of this decree, your opinion had to be obtained?

A. That my critical attitude as an expert was to be called for, Grawitz, yes. my opinion, that tallies precisely with what I have described. I had not collected it, and did not even know that it had been so clearly defined, as is apparently in this letter. It shows quite clearly that Himmler realized t the immediate approach to him, without a collection of these matters ing made through Grawitz would have to cease.

On the other hand, however, it shows that under him no experiments were going to be entitled to any one without this being done through the same official nels. For the first time, perhaps, it says that experiments could not simply further which would eternally be established, bringing up new questions, but the applicant should right from the beginning state what his intentions in every respect, and now it states here that Grawitz, in passing on ications, would have to obtain the critical expert opinion of the chief rgeon, Nebe, as well as Glucks.

May I state right now that Glucks is the man in charge of location and that is in charge of German criminals, and that political cases and foreigners not considered any more; and now the expert opinion of mine is to be called , which, of course, can never touch upon the subject of my driving opinions ard seawater experiments, for instance, or something which Dr. Beiglboeck to suggest to

being correct. In fact, it had never been planned any differently, except that I did not credit Grawitz with the courage of turning down proposers as being non-experts. This attitude toward doctors and the supreme authority which was submitting it, that attitude was started here by me, and it is contained in this document.

Had you asked me at the time, had you given me the document in the reverse, then I would not have remembered sea water experiments nor would I have remembered the "N" stuff; but of course it is still correct to say that the two occurred in this manner, just as you can see that it was clear that after the distributor for sea water, after I said that it is quite clear what they are doing and let them report it, let them give their reasons, that in the carrying out of these experiments at the critical exploitation and on the distributor, I no longer appear.

Q. Can we assume, witness, that with respect to any experiment carried out after May 1944 where there had been an application for prisoners, after that date, then you had knowledge that that experiment was to be carried out?

A. It does not say so in any way in this decree. It says expressly that if new experiments are to arise, then this is to be done through official channels. It does not say that anything that had been approved should be retroactively examined. At any rate, the others were not submitted to me, and quite certainly, in spite of this order, perhaps for official reasons, I did not see the others. If you will put some more before me besides these two, I shall tell you whether I know them or not.

Q. Can't you tell us if any that were put before you?

A. No. As I have already told you, I would not have remembered the "N" stuff, the material dating November 1943, when I was at the front.

Q. Do you regard it as criminal and unethical to experiment on a human being without having obtained the consent of that person?

A. I made every effort yesterday to define my attitude on that to you. The principles, isolated unique assumptions without consideration of the factors such as with whom the initiative is, who is responsible, and

under what conditions of the state, cannot be answered.

Q. Let us assume that you are responsible for the moment, witness, for the selection of the experimental subjects.

A. It is stated expressly that Nebe's attitude, the man of the experimental persons, and Bluck's, the man of the doctors, should be consulted. It is, therefore, quite abundantly clear that these matters are not interconnected.

Q. Witness, we have passed beyond the decree. I am trying to get a clear expression from you on this relatively simple question, and it has been put to you before in an interrogation, the one of 17 October 1946, and you were asked the question, "Are you of the opinion that if a person is convicted it is right to use him for experimental purposes without his consent?" and you answered, "No, on principle not." Do you re-affirm that answer now?

A. I most certainly did not put it in that form. These summaries, none of which were signed by me, are the results of endless discussions. I told accurately that never at any time, not even now, do I consider it right if in the event of an experiment started by a medical man which he started entirely because he is interested in science, a situation of force and coercion should arise with reference to the selection of people. On the other hand, I drew a clear-cut dividing line that this was not so, and even if you assume this to be the situation with me, that the initiative was ours.

Q. If I understand you correctly, you say that if it had been your responsibility as a scientific and medical man for carrying out these experiments yourself, if it had been your responsibility to select the subjects, you would have insisted that they consent to undergo the experiment. Is that right?

A. No. I said that I personally did not have the desire, or could not imagine that I would order experiments and carry them out, where other than volunteers would be used; on the other hand, of course I can well imagine that an experiment with its risks is so absolutely harmless that with a certain amount of pressure I can recruit people, and those are two completely different conceptions, then if the State, through an official agency, and with reference to a decisive question, does not ask the medical man any more than to assume the responsibility for its carrying out. I described the way that I pictured it the responsibility could be taken from the State.

Q. If the experiments which are the subject of the indictment here, were carried out on persons who did not volunteer, is it your opinion that the person who was responsible for the selection of the inmates committed a crime?

A. If it was the State, and if there was an order from the State, therefor, if it was legalized, then, no I don't think so.

MR. MERRIMAN: I have no further questions.

THE PRESIDENT: Counsel, do you think that you can complete the re-examination of this witness in 15 minutes, or will you take longer?

DR. SEIDL (Counsel for the defendant Gebhardt): I believe that I can get through in 15 minutes.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q. Within the cross examination, the figure of experimental persons proposed was put at 205. Do you recollect that in the exhibit submitted by the prosecution, N°. 326, there was, in fact, contained that figure, as testimony of a witness, a woman witness; and is it correct that it was Chief Reich Medical Officer Dr. Grawitz who carried out experiments under our conditions, on as many possible experimental persons and that it is that achievement that, in the case, there was a stop after 60 experimental subjects?

A. That is perfectly correct, and I thought that had been the way in which I described it. I said that it was only by some devious means that I heard the figure, and we are claiming for ourselves that the minimum number, under

only the most acceptable conditions was carried out.

Q Then, furthermore, you were asked, whether you yourself had anything to do with the selection of the experimental subjects. I shall now submit, or rather read to you in extract, something from the Document Book No. 10 of the prosecution, on page 50 of the English text. It is Exhibit 226 of the Prosecution Document NO-673. It is the affidavit from the witness Schusso, the woman witness. I quote: "On the 21st of September 1941, I arrived from Warsaw with 450 other prisoners at Ravensbrueck. I left the camp on the 23rd of April 1945, with the first transport of the Swedish Red Cross. On the 8th of May 1941 I had been arrested by the Gestapo as I had been an active member of the pre-resistance movement. During my stay at Ravensbrueck, experimental operations were carried out on me on two occasions. There were two further experimental operations which I avoided. On the 1st of August, 1942, Lina Bella, secretary of Mandel, told me that I, together with nine other female prisoners, were to go to the large Sick Bay. At this Sick Bay we were examined by Dr. Gourhauser. After this examination I was told that I was to go home, and I was sent back. The other nine girls were operated on." End of quotation.

Now, I want to ask you, who was the Lina Mandel who was mentioned here? Do you know?

A In my opinion, that was the Department or the Secretariat of the camp, but I'm not absolutely certain. At any rate, it's not a medical man.

Q Would this testimony not show quite clearly that the choice of experimental subjects was carried out directly through camp authorities? Isn't it apparent that this happened by instructions from the RSHA, which had a political department at Ravensbrueck as we know?

A That is quite clear, and I've already pointed to this testimony in the same sense that you have just indicated.

Q Well then, after that you were asked regarding the results of sulfonamide experiments. I beg the Tribunal to get hold of the Document Book of the defense, and look at page 12 of the Document Book. And there, I quote, reference: "Directives for the chemotherapy of wound infections."

"The treatment of war wounds with sulfonamide preparations in order to fight infections seems to have prospects." These were the directives which in May 1942 had been published, before the beginning of your experiments; is that correct?

A Yes.

Q So I shall now quote paragraph 3, and I quote: "The prevention of gas gangrene through chemotherapeutics is not certain. A collection of further experiences in this field is especially desirable." End of quotation. Does this not show again that at that time the effectiveness of sulfonamides was positively judged? I now beg the Tribunal to turn to page 13, and I shall quote:

"Local treatment with the available sulfonamide powders together with an internal treatment with algocid, cibazol, eleudron, eubasinum, globucid (particularly for gas edema), marfanil-prontalbin, prontosil is suggested." End of quotation. Is that not an indication to the effect that during this congress, in the directives, judgment of a positive nature was expressed with reference to sulfonamide?

A That is a perfectly correct description. I was being rather reticent. Since Dr. McHaney deliberately forbade me getting involved in a medical discussion, but since his views in this point were erroneous, this (A) no success obtained through us, (B) the same method proposed once more. Previously, in the directives, there was an overestimate, now there was definite slowing down, which, in its scientific findings, was most strongly expressed through our results, so that there were considerable changes.

Q I beg the Tribunal now to turn to page 30 of the document book. Here we find directives for the treatment through sulfonamides, following the Fischer-Gebhardt lecture. Now I want to ask you, witness, at the end of these directives there was put the result of your experiments?

A Yes.

Q Would this not force you to conclude that, as the basis of these three lines, the very result of your experiments was being used?

A I personally am of the opinion that this is so. I tried to point it out by saying that my directives have been fully included in the entire contents, at the beginning of all new measures for the year 1943 our ideas were used.

Q Then I beg the Tribunal to turn to page 32 of the document book, and I shall quote the last but one paragraph. I quote: "The thoroughness of the surgical wound treatment should in no way be lessened even by the additional application of sulfonamides." End of quotation. Now I want to ask you, does this final paragraph not indicate, quite clearly, the final conclusion that the decisive point in fighting wound infection was the surgical treatment? And that use of sulfonamides was only in addition?

A Yes. I emphasize that particularly by pointing out that there was possibility of misinterpretation in the statement of Frey. Frey only writes that sulfonamides ought to be used when they can be inserted into the depths which of course, seems to every expert that the wound would have to be opened, which is exactly the same as is expressed here.

Q Now the shoulder blade, which had been inserted, transplanted to the patient by the made of Lardinsky Dr. [illegible], removal from detained Rush— wasn't it? Were we there concerned with a Polish woman; in other words, an experimental subject, who had been sentenced to death, and who was to have this chance of reprieve in the case of survival?

A In my opinion, most certainly. I've said that in every part of my testimony, namely that these aseptic people chosen by Stuppfhagar, belonged to the same group, and that there were similar conditions, and that there are those who were listed in this testimony.

Q The removal of the shoulder blade— was that an operation which entailed danger to the life of the experimental person?

A No, in no way. I have always strictly differentiated, that those aseptic non-gangrenous wounds did not have the same risk which our infections did have.

Q The prosecution introduced as a new exhibit today, a letter which you wrote on the 11th of June 1943, to the defendant Rudolf Brandt, Exhibit 459,

Document NO-232. Is it correct that I had already given you a copy of that letter even before the beginning of the trial? And that, therefore, you were not in any way surprised by the contents of this letter?

A. No, of course not. I draw attention to the fact that I had not read it before but that I had read it here.

Q. Then the prosecution also referred to Himmler's Decree, 15 May 1944, of which we also knew of course that it was going to be presented. Now, I want to ask you: After the 15th of May 1944, did you receive any further applications for experiments apart from the sea water experiment, and the examination of the sea material?

A. Not to my recollection; certainly not. But, in those hectic days, I couldn't even remember those two you were just talking about. It was only when I saw them here that I remembered them.

Q. Did you support the Luftwaffe's application for sea water experiment.

A. Yes.

Q. Didn't you do that, last but not least, because, on the basis of the reasons given in the application you had the right to be convinced, that jeopardy, for the life or the health of the experimental persons was out of the question?

A. Well, it states definitely in the letter from Dr. Schroeder, or from Gyemitz, that there was no question of danger. On the other hand, the greatest German in turn is Ruppinger himself, started to participate in this experiment.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: I have a question to the witness. I understand Witness, that as to those experimental subjects you were informed by what was to you competent authority, that they were of persons who had been sentenced to death. Did you ever make any investigation or ask any questions after that concerning these witnesses as to whether they had ever been tried or sentenced as to those subjects?

THE WITNESS: Mr. President, the person who communicated this fact to me was Himmler. At that time I had no doubt whatever that this was right, what the highest man was saying, and presently considering our relations, I didn't have any doubts either of the test. I assumed that as far as I was concerned he would act particularly correctly and my inquiries were addressed to Himmler. I did not ever deal with any subordinate persons.

THE PRESIDENT: I understood that you said that you never made any inquiry or endeavor to ascertain to any extent the status of these experimental subjects, as to whether they had ever been tried for anything or whether they were simply held in a concentration camp for some other reason.

THE WITNESS: No, Mr. President, please don't misunderstand me. There had been a definite discussion between Himmler and myself with reference to those persons, and Himmler expressly stated, as the highest and on the basis of his documents, that this was the situation, and it was particularly at the end when everybody was interested during conferences with foreign countries, that it was as clear as it could possibly be, and I can refer to his words right here, and Himmler told me at the end, with your experiments you are correct.

THE PRESIDENT: Did it occur to you that it might be a little curious that there were sixty women in a concentration camp under sentence of death and the sentence had never been executed but they were just held in the camp?

THE WITNESS: Mr. President, there weren't sixty, there were surely hundreds of them, thousands of them who were together, all intelligence agents who were caught during acts in Poland and were arrested and went to Ravensbruck, and according to the documents used up to now there might be, there is at least seven hundred.

sixty of those were not shot because they partook in this experiment, assuming that Himmler's information was true, which to doubt I had no reason at that time, even considering all the circumstances.

THE PRESIDENT: How many of these women did you say were held in the camp, six or seven hundred?

THE WITNESS: It had been definitely told here that a transport of seven hundred had arrived. Later on the SS-Men collected two thousand Polish women who were still there. They must have been Polish women who had been sentenced to death, and there must be Polish women who came afterwards.

THE PRESIDENT: Were the rest of them executed?

THE WITNESS: I only know what I have heard here. Everyone of those other witnesses stated that her companions have been shot. Mr. President, I deliberately did not interest myself in anything else. It seemed those were the people called, according to information given to us, because they had been sentenced to death who had been operated on and who remained alive. Mr. President, you will believe me, I have never bothered about or entered in the conditions in the concentration camps.

THE PRESIDENT: I understand.

Counsel will not be limited to further examination of this witness Monday morning. I didn't mean, when I inquired into the length of this examination, to limit him to that, so he may resume the examination of the witness when the Tribunal convenes Monday morning.

The Tribunal will now recess until fifteen minutes after eleven o'clock Monday morning.

(The Tribunal adjourned until 10 March 1947, at 1115 hours.)

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, and al, defendants, sitting at Nurnberg, Germany, on 10 March 1947, 1330, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in court with the exception of the defendant Oberhauser, who is absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the defendant Oberhauser, who is excused on account of illness, she being in the hospital.

Counsel may proceed.

KARL GEBHARDT - Resumed.

DR. SEIDL (Counsel for the Defendant Gebhardt): Mr. President, I have no further questions to put to the witness.

THE PRESIDENT: Any further examination of this witness by Defense Counsel on the part of the questions asked him, recently after cross examination?

BY DR. [illegible] (Counsel for the Defendant Sievers):

Q. Professor, in the cross examination you stated that the Ahnenerbe was under the Reichsführer's circle of friends, and financed by it. Do you [illegible] the organization of the Ahnenerbe?

A. No, I can say nothing more about it, but I assume that that was the case as I understood it.

Q. Then there is a misunderstanding on your part? You have [illegible] corrected

evidence for it?

A. I can only say that I was approached to join the Freundeskreis. That was at the beginning of the war, and I remember it was a combination of friends and institutes were attached to it; and, as I said, I met Professor Ruest at some meeting. I have no more concrete knowledge.

DR. WEISGERBER: I have no other questions.

THE PRESIDENT: Any further cross-examination of this witness on the part of the prosecution?

MR. HARDY: The Prosecution has no further questions.

THE PRESIDENT: The Defendant Gebhardt will be excused from the stand as a witness and resume his place.

(The witness was excused.)

DR. SEIDL (Counsel for the Defendant Gebhardt): Mr. President, three witnesses have been approached for the Defendant Gebhardt. One of these witnesses has already arrived. This is Mr. Karl Brunner. In order to shorten the proceedings, I shall dispense with examining this witness before the Tribunal, in agreement with the prosecution, I shall take the liberty of submitting an affidavit from this witness at a later period. The same is true of the other two witnesses, Professor Lothar Kreutz and Dr. Jaedicke. Here again I shall submit affidavits.

THE PRESIDENT: I understand from counsel for the Defendant Gebhardt this course is taken pursuant to an agreement with the prosecution, is that right?

DR. SEIDL: Yes.

MR. SHAWN: If the Tribunal please, the course suggested by Dr. Seidl would be highly satisfactory because the prosecution feels that in this way we will be able to shorten the proceedings substantially. Of course, we are not advised in great detail as to what these gentlemen will state in their affidavits, but I think the chances are very good that we will not find it necessary to cross-examine them or to bring them here. In an exceptional case that might be necessary. On the other hand, we could probably secure a cross-affidavit of some sort, so as to avoid trouble and physical [illegible]

Dr. Seidl is suggesting this course.

THE PRESIDENT: Counsel, where are the three witnesses you just named? Are they now in Nurnberg?

DR. SEIDL: One witness is in Nurnberg, that is Dr. Karl Brunner. The other two witnesses are in internment camps in the British Zone. It is doubtful whether they can be brought here at all in the near future.

THE PRESIDENT: Under the circumstances, the arrangement outlined by counsel for the Defendant Gebhardt has the approval of the Tribunal.

DR. SEIDL: In the question of my case for Defendant Dr. Karl Gebhardt I have only to submit the rest of the documents which are in my document book. The first one, which I submit, is on page 46 of the document book. It is from the Manual of Virus Research. This is an excerpt from a book published in 1944. I shall not read any of this into the record, but in my concluding speech I shall refer to it. This will be Gebhardt Exhibit No. 11. The next exhibit is on page 72.

THE PRESIDENT: Counsel, what page? The translation did not come through.

DR. SEIDL: The next document is on page 72. It is an affidavit of an attorney, Karl Weiss. The contents speak for themselves. I ask the court to take judicial notice of this affidavit. I have included it in this document book as an example, and I shall give some other affidavits of this type in the supplementary volume. Then I go to page 75 of the document book--the affidavit from Karl Weiss on page 72 is submitted as Exhibit Gebhardt 12. Then I go to page 75 of the document book, it is an affidavit of Gerhard Schwalowsky. This affidavit has already been submitted by the prosecution as Exhibit #26.

THE PRESIDENT: Has this exhibit in its entirety been submitted on behalf of the Prosecution and admitted by the Tribunal?

DR. SEIDL: This exhibit was submitted by the Prosecution in connection with the sulfonamide experiments. It is in the English document book number ten, but the Prosecution did not read the entire affidavit into the record but only excerpts. In order to simplify the task of the Tribunal, I have put into the Gebhardt document book that part of the affidavit to which I shall refer in my concluding speech.

THE PRESIDENT: Does counsel desire to read this into the record?

DR. SEIDL: I would only like on page 76 to read one paragraph. It is an excerpt which the Prosecution did not read into the record yet.

THE PRESIDENT: Counsel may proceed.

DR. SEIDL: I shall begin on page 76 at line 12.

"In Ravensbruck there were about twenty-five women who were executed by shooting them in my place. They were all Polish women, who were already prisoners and the verdict on which in many cases was confirmed by the Governor General only after a long time. The company commander was in charge of executions by firing squad and they took place in the presence of the camp commander, SS-Obersturmbannführer Fritz Suhrel."

The purpose of this excerpt is only to show that the prisoners at Ravensbruck, as far as they were Polish women, were members of the resistance movement, which is experimental subjects, who have testified here, and that the experimental subjects, from whom affidavits were submitted, also belonged thereto.

Mr. President, now I come to some documents, which I need in order to comment on the status of the experimental subjects under International law. The first document of this kind is on page 77 of the document book. It is the German-Soviet Friendship and Friendship Treaty of the 28th of September, 1939. I submit this treaty as Gebhardt Exhibit 13.

THE PRESIDENT: Counsel, is not your last exhibit 13?

DR. SEIDL: The last exhibit number was 12. This new document is to be exhibit Gebhardt 13.

THE PRESIDENT: What was the number of the Schiedlausky affidavit was already submitted by the Prosecution. It was Prosecution Exhibit 224.

THE PRESIDENT: I misunderstood Counsel. I thought Counsel desired to offer that again. Counsel is correct. You may proceed.

MR. MCHANEY: With respect to the document offered as Karl Gebhardt No. 13, the Prosecution should like to be advised as to the purpose of this offer. Off hand it appears to me to be immaterial to the issues here and consists of nothing more or less than a boundary and friendship treaty between the USSR and Germany, particularly concerning the Polish territory.

DR. SEIDL: I may make the following answer to that, Mr. President. The experimental subjects on whom the sulfonamide experiments were conducted were Polish women. In 1940 or '41 they were arrested because, as they themselves admitted, they were members of a resistance movement.

In the proceedings before the beginning of the trial, the opinion was repeatedly expressed that they were prisoners of war. It will be necessary to investigate under what legislation and under what jurisdiction these Polish women were in 1940 and 1941; and it will also be necessary to examine whether in 1940 and 1941 there was a Polish State under international law.

This border and friendship treaty between Germany and the Soviet Union is the basis for the examination of the question what the status of these Polish citizens was under international law at that time. In particular the question will have to be examined whether Poland as an independent state still existed or not, and what powers had the right to issue laws and regulations for this territory, and whether such laws and regulations were binding on the prisoners who have been examined here. This treaty is the basis for the further documents which I shall submit later.

The important thing is to examine whether the German Government, as occupying power, had the authority to issue laws and regulations which were binding on the members of this resistance movement, and also to examine the question whether these experimental subjects were prisoners of

war or what their status was under international law.

MR. MC NAMEY: I think that the Prosecution must object that the document offered is immaterial. Certainly it sheds no light whatsoever up on the legal status of these women, Polish women, who were experimented upon in the concentration. The document can in no way tend to prove that Germany had the right to administer laws in a Polish State. It's simply a boundary agreement between Russia and Germany. It certainly does not intend to prove whether the occupation was in any way legal. As a matter of fact, the Polish Invasion has been held by the International Military Tribunal to have been an aggressive war and hence a crime against peace. I think we are getting a bit far afield in this offer. I think it is immaterial.

JUDGE SPRECHER: Dr. Seidl, are you contending that as of the period in which, as you say, these women were condemned to death by some sort of a court, that there was at that time no occupation or a complete subjugation of Poland?

Dr. SEIDL: I am of the opinion that the fate of Poland after the German-Polish war was a typical example of a so-called de Belaccio. I am of the opinion that this is not merely an occupatio bellica but that through this war and, in particular, through the treaty mentioned here, the Polish State had ceased to exist, so that the entire legislative authority and the entire jurisdiction were transferred to the two states which occupied the territory of the former State of Poland.

JUDGE SPRECHER: The International Military Tribunal didn't quite agree with that view, did they?

Dr. SEIDL: Your Honor, the I T expressed itself on this question, that some questions in connection with this trial did not discuss but avoided those questions. I do not believe that at the present time I could discuss all the points that have arisen in connection with the fate of Poland in 1939; but, on the other hand, I do not believe that it is necessary, because it is decisive what the actual conditions were in 1940 and 1941 and not what the situation was in 1946 by the International Mil-

itary Tribunal was.

As for the objection of the Prosecutor, it apparently means that he contests the probative value of this evidence. He does not say that the document is not authentic. In my concluding speech I will be forced to comment on all these questions, especially as to whether these experimental subjects were under German jurisdiction; but I do not believe that the objection of the Prosecution is justified, because the relevance of this document is shown only by comparison with the other documents which I intend to submit, and in considering the reasons which I intend to explain later. In my opinion, it would not be necessary at all to submit this document, because the German-Soviet Boundary and Friendship Treaty on the 28th of September, 1939, has in the meanwhile become so well-known that it would be sufficient for me to refer to it and assume that this is a fact which is well-known.

JUDGE SEBRING: Now is it your theory that there occurred a complete subjugation, in effect, then a partition of this territory partly to Germany under such conditions that under international law it became a part of the Reich and that thereafter the municipal courts of Germany and the municipal law of Germany could be brought over into the territory and administered against those people? Is that the thing for which you contend?

DR. SEIDL: In contrast to the territories which fell to the Soviet Union which were immediately incorporated into the Soviet State, the territories from which the witnesses contained here came were not incorporated into the Reich. It is true that a part of the former State was incorporated into the German Reich, a part of the former Polish State, but the largest part of the territories of the demarcation line was made into a unit called the Government General. This included 10 million people. It was under a Governor General. German law was not applied directly to this territory. The Governor General to maintain order in it made laws and regulations which were in compliance with the Hague Convention of 1907; but I am of the opinion that under the conditions existing at that time,

the occupying power was justified in taking the necessary measures to maintain order, and that these laws and regulations were binding on the members of the Government General.

JUDGE SEARCH: Well, aren't you obliged to contend for occupation rather than subjugation and certain ordinances and laws administered by military courts under the doctrine of military necessity? Now which path are you going? What is it that you contend for here?

DR. SEIDL: Your Honors, I have already said that in my opinion this is a typical case of de bellaccio. But I do not believe that therefore the form of this question is the essential difference, whether one speaks of de bellaccio or only occupatio bellica. Even in the latter case the occupying powers were quite doubtless justified in issuing the orders and regulations, necessary under conditions prevailing at the time, in order to maintain order in this territory, and which were necessary because this territory of the Government General was the largest military transit area ever seen in the history of warfare. Therefore, I do not believe there is any important difference whether one chooses one alternative or the other; but in addition the question will also have to be examined as to whether the members of this resistance movement were under the protection of the rules of warfare at all. They were now members of the armed forces of a power. One will have to assume that the members of the resistance movement belonged to the group which is called franc-tireurs under international law.

THE PRESIDENT: The Tribunal will admit the document referred to, with the express understanding that in a final hearing the Tribunal reserves the right to reject the document if it finds them immaterial, and if the theory upon which they are offered be found incorrect as to the [illegible] of both fact and law to be determined. The document at this time will be admitted provisionally.

DR. SEIDL: I submit this document as Gebhardt Exhibit No. 13, and I ask the Tribunal to take notice of the contents of this document.

The next document which I intend to submit is on page 80 of the document book. It is a decree of the Fuehrer and Reich Chancellor in the administration of the occupied Polish territory, of the 12th October, 1939. I ask the Tribunal to take judicial notice of the contents of this docu-

ment, and I go one. This is Gebhardt Exhibit No. 14.

THE PRESIDENT: This document will be admitted in evidence provisionally under the same restrictions mentioned in regard to the preceding exhibit.

DR. SEIDL: Then I go on to page 83 of the document book. This is an ordinance concerning the military jurisdiction for civilians in the General Government of the 26th of January, 1940. I submit this document with the same reservations as the other document as Gebhardt Exhibit No. 15. I originally intended, Mr. President, to submit a different document at this point. This was not possible because the decree, which I intended to, was in the directive for the Governor General which is not to be found in the library at the present time. Therefore, I shall read from page 84 of the document book Article 4. I quote:

"Article 4.

(1) The competence of court martials as established by article 4 of the ordinance of the Commander-in-Chief of the Army regarding possession of weapons dated 12 September 1939 (Official Gazette for the occupied Polish territories, page 5) is discontinued.

(2) The trial of criminal acts as described in Articles 1, 2 of the before-mentioned order will be transferred to court martials, the composition of which is defined by article 11, section 2 of the ordinance to combat acts of violence in the General government, dated 31 October 1939 (Official Gazette for the occupied Polish territories, page 10) and the supplementary ordinance dated 2 December, 1939.

(3) Criminal cases already under review at military courts shall will be dealt with under previous regulations."

I have read this paragraph into the record, because, after the presentation of evidence, I shall refer to this ordinance of 31 October 1939, about combating acts of violence in the General Government.

Then I go to page 85 of the document book.

JUDGE SEBALD: Will you be prepared during the course of the presentation of your case, or some aspect of it, to bring to the Court the

correct translations of the various articles and sections of the laws referred to here?

DR. SEIDL: I shall endeavor to obtain this ordinance of the Governor General which is mentioned here and shall submit it to the Tribunal later.

Volume 39 of the Gazette for the Government General was available here during the trial before the International Military Tribunal. Unfortunately, I cannot find it at the present time, but I shall try to get the decree from a library.

THE PRESIDENT: The offered exhibit will be admitted provisionally under the same condition as the last two preceding exhibits.

DR. SEIDL: The last document which I want to submit in this document book is on page 55. It is a letter from the defendant, Dr. Gebhardt, to the President of the Swedish Red Cross, Count Bernadotte. I shall not read this letter into the record. I ask the Court to take judicial notice of it's contents. I submit this letter as Gebhardt Exhibit No. 16.

THE PRESIDENT: It may be admitted.

DR. SEIDL: Mr. President, this completes the presentation of evidence for the defendant, Dr. Karl Gebhardt for the present. I ask to reserve the right at a later time to submit a few exhibits which are in a supplementary volume.

THE PRESIDENT: At what time do you propose to offer the supplementary exhibits?

DR. SEIDL: I hope that I will be able to submit the other [illegible] in about two weeks. The delay was because various affidavits, particularly those of the witnesses whom I mentioned before, have not yet been [illegible].

THE PRESIDENT: Counsel may offer the exhibits when they are [illegible].

DR. SEIDL: Mr. President, Your Honors, now I turn to the case of the defendant Dr. Fritz Fischer, and ask the Court to call the defendant Dr. Fritz Fischer to the witness stand.

THE PRESIDENT: The defendant Dr. Fritz Fischer will take the witness stand.

JUDGE SEBRING: You will raise your hand and be sworn. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: Be seated.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, you were born on the 5th of October, 1912, in Berlin. Is that true?

A. Yes.

Q. The prosecution has already submitted an affidavit in which your career is briefly described. This is Document No. 889, which the prosecution submitted as exhibit 26. To supplement this affidavit will you please give more information about your examination and your education.

A. I was born in 1912 in Berlin - in a suburb of Berlin. I was brought up in a middle class home. My parents considered themselves quiet people, that is, their desire was mainly to do their duty in life through work. They had no intention and ambition of playing any role in public life. My family descended from peasants in Mark Brandenburg. Mark Brandenburg is the area around the city of Berlin, the core of the Prussian state.

The training which I had at home on the basis of several hundred years corresponds to this background. It gave the individual the notion of industry in daily life and it was limited by the belief in the authorities appointed by God, the authorities of the King, and the Government, and the State. The King, State, and Government were the units which were

absolutely united with the concept of law. This is how my father lived his life. He served under three Kaisers. He was a loyal citizen of the German Republic. He was also a loyal citizen of the Third Reich. He never took any part in politics and he also gave me this advice. Neither before nor after 1933 did he belong to any political party or any political organization. This basic attitude of a loyal citizen without any political function, who sees more than a duty in loyalty - more a virtue - based on the belief in the authority of the State which as an institution has the highest right - this is the spirit in which I was brought up.

Q. Then you went to school in Berlin and high school?

A. Yes. From 1919 to 1931 I attended Realgymnasium.

Q. In 1931 you graduated?

A. In 1931 I graduated and studied at the University of Berlin, Leipzig, Bonn, and Hamburg. I studied medicine. In 1936 in Hamburg I took the medical state examination.

Q. During your studies did you have any special field of interest?

A. During my studies I had great interest and great pleasure in medicine, primarily for the branch which developed next to purely clinics - the step to modern medicine is the border areas between natural sciences and medicine. At that time without discussing it I had the hope of becoming a university teacher some day in the field of surgery. To get a followed and accurate basis for this work as a student and as a clinician I studied pathological anatomy. And, at least two years of my studies, during vacation I worked in pathological anatomy. After taking my state examination for these considerations, keeping surgery as an aim, I chose pathological anatomy for my training for the next few years. And, for that purpose I went to the Rudolf Virchow Institute in Berlin, the Pathological Institute of the greatest German hospital, where 2500 autopsies were performed annually by eight doctors.

Q. What position did you hold at the outbreak of the war?

A. In 1936, as I said, I took the state examination. In 1939, in

in spring, I was first assistant at the Pathological Institute. During this time, especially during the summer, in the absence of the Director of the Institute I was in charge of the autopsy work and the microscopic histological work, individually representing the chief.

Q. Now, I should like to interrupt you and consider the question: What role did politics play in your life before the outbreak of the war?

A. In 1922 I was twenty years old. At the time I belonged to a Student Sport Corporation and had taken no part in politics whatever.

Q. Did you belong to any party?

A. I did not belong to any party or any political youth movement. My only activity was in sports and since I belonged to the youth group around Stefan George that was quite far removed from the ideals of national socialism. In 1934 I was in the same position as before. The entire intensification of life since, since Hitler had taken over the government, increased me. A regulation was issued in 1934 that the students at the universities could matriculate only if they belonged to some national socialist organization. I should like to emphasize that I was not an opponent at the time. I considered myself a member of loyal and tolerant circles but I did not strive for admission to the party. I submitted to this regulation because in the first place I had the idea the State wanted it, and because I considered the National Socialist organization as a State Youth organization. For these considerations in 1934 in Bonn on the Rhine I joined the General-SS, or rather I joined one of those organizations. I had participated in a riding and driving training and I participated in sports. For that reason in this I wanted to have the opportunity to continue this activity and since there was the organization in Bonn which had a riding group - it was the General-SS, without considering convenience I joined this organization. That was the General-SS.

Q. The witness Dr. Leibbrandt said that the study of medicine in the Third Reich was shortened, and that students had to belong to bers of Student League and Hitler Youth. He also said that politically active

elements had to visit the Fuehrer school at Altrose. Did you belong to any of these organizations? Did you take work at this Fuehrer school in Altrose?

A. No. I did not consider myself an active political element at the time or later. I was a member of the General SS and, thus in a certain sense, I had the attribute with which I could get through the difficulties of public life. I did not belong to any other National Socialist organization until 1939. In 1939 the General SS asked me to join the Party and I did so. I did not belong to the League of Students or the Hitler Youth, and I was not in the Fuehrer school at Altrese. My studies were not shortened. I took the prescribed number of semesters, which was eleven, and a complete year of interne work.

Q. How was the service in the SS or in the Reitersturm which you joined?

A. I was there only for a year and then, for reasons of training, I went to Berlin, Bonn and Leipzig, and then I served in the General SS not in the Reitersturm because there was none. It will be difficult to describe this service because it was completely colorless. It was a mixture of sport with a certain character of military sport. It was, in some ways, like a veterans' organization.

Q. Then, why did you not leave the SS since you were not satisfied with the service?

A. The situation was that in order to fulfill the demands in public life - and I was a Government employee, an employee of the City of Berlin - one had to have some sort of evidence that one was a member of a National Socialist organization. That was one reason. The more comfortable reason. And in the second place I always saw a certain justification for this service in the practical solution for the social question - the question of social differences. It was actually so that within the residential district, after the organization was set up, the members of the various classes met on a basis of friendship in this service and that members of the laborers' class were next to jurists, and the merchant next to artisans, and in this realization of the overcoming of class differences, I saw a definitely positive work which made it possible for me to bear this uninteresting service - as I must say that, at this time, the service

consisted of two or three times a month attending such a meeting and there were no further claims.

Q. When and under what circumstances did you join the Waffen-SS?

A. In my civilian position in the Virchow Hospital in Berlin I had so much to do and had such a definite direction of training that I had never got around to doing military service. Consequently, at the beginning of the war I was not in the Wehrmacht. In November, 1939, I was ordered to report as a member of the General SS who had not yet done military service. I was ordered to report to the Waffen-SS. At the time I was not particularly happy about this. My friends were in the Wehrmacht and I would have preferred to go there. I went to the magistrate of the City of Berlin with this letter and I went to the draft board with it, but I was told that this had the effect of law and that it was my duty to report in Berlin-Lichterfelde, as instructed. At the time there was a saying that everyone had to do his duty where he was assigned, and I was satisfied with this.

Q. Then you were a reservist in the Waffen-SS?

A. Yes, I was a reservist in the Waffen-SS.

Q. What training did you have in the Waffen-SS?

A. At first, I was in the barracks of Bodyguard Adolf Hitler, at Lichterfelde, and then I came to the recruit training regiment in Stralsund and I was given the normal training for three months by the Waffen-SS.

Q. Then how did you come to Hohenlychen?

A. After the end of this training I was given an order to transfer - an order to report to Hohenlychen at the SS Hospital.

Q. What impression did you have at the time of the hospitals at Hohenlychen?

A. I had already known the names of the hospitals at Hohenlychen. They played a very important role in the German sport movement and among German sport enthusiasts and, in the second place, they were among

those hospitals which supplied operation material for the Rudolf Virchow Pathological Institute for histological examinations. For that reason, I knew this name and the name of the chief physician. In the spring of 1940, I arrived there for the first time. I was quite astonished at what I found there. This clinic differed in many respects from the picture which I had been accustomed to see at clinics. First of all, it was situated and constructed differently. It was on a lake, in the woods, on a hill, and consisted of fifteen large handsome buildings, and between the buildings there were large expanses of lawn, flower beds and sport places. But the first impression, in addition to this, was the attitude of the patients in contrast to the somewhat lethargic attitude of the patients in the usual city hospitals. It is difficult for me today to remember all this. Much of it is over-shadowed, but it is not exaggerating to say that the patients were distinguished because, in spite of the severe injuries, most of them looked happy, and since I had a relatively critical attitude from having worked in the pathological anatomy I was interested in finding out the secret of the reputation of Hohenlychen. First, I was an assistant doctor at a large septic station and I saw there that the treatment was conducted on the same principle as we had been taught at the university clinic. That did not seem to be a good explanation in the beginning until I discovered that the most important thing at Hohenlychen was that orthodox methods of school medicine, which were known to us, here too were used with special intensity according to a special scheme. After a few months I was in a position to see what these principles were, and these principles did not include any principle that was not preached elsewhere. It was the doctrine of Lier in the treatment of inflammation, the doctrine of the classical orthopedists Lange and Brandes in the treatment by immobilization and plaster casts, and, the only specific thing originated by Gebhardt, the special type of exercise in which there was an exact balance between rest and active exercise. But the other specific thing was that all doctors acted according to these rules which Gebhardt had

laid down. While otherwise individual choice of assistants is rather high, here everything was coordinated in such a way that the treatment at Station 1 was, in principle and in effect, the same as that of Station 15. And there was another thing that I noticed. That was the deliberate emphasis of nursing care. The Chief Physician, Professor Gebhardt, told us at that time that the essential thing is not operating technique because that could be learned. The most important thing - the primary thing was the nursing care given the individual patient who must have the feeling that he is given personal care by his doctor. And these rules were centralized and directed by the man at the head of this clinic.

Q. What impression did you have, at the time, of the personality of the head of this clinic, the defendant Dr. Gebhardt? Was he a strong personality?

A. The impressions which I had of Gebhardt were composed of impressions of him in his work as a doctor and a scientist, and of the impression which I had of his effect on the patients. I realized that this concept of a special reputation of Hohenlychen among German patients came exclusively from Gebhardt's personality as a doctor. Gebhardt was such a strong man that he transferred this strength of character to his assistants and to his patients. Or, rather, tchis patients and to his assistants, in that order. I shall never forget how, of the many thousands of patients whom I saw go through Hohenlychen, the eyes of hundreds were on him in confidence which I had never yet seen devoted to a doctor. I frequently had an opportunity to see it when I was the assistant and visited the patients together with him. He was aware of this strength of his personality and this was an essential factor in his treatment. For this reason, he, who was the head of a thousand bed clinic, had set up an arrangement which I was unaccustomed to.

Konenlychen was about 100 kilometers from Berlin and the only connection was by railroad. Therefore, three times a day the patients arrived. During the times when patients were arriving, Gebhardt collected his assistants around him and days after day received the patients so that every single patient who was admitted, through an especially skillful organization, came into the clinic and was immediately under the eyes of the Chief, who listned to his complaints, who decided the course of the treatment, who gave instructions to the assistants for the treatment, and who then always had time to shake hands with the patient and express his assurance that the case would develop favorably. If I analyze these things now, afterwards, they may seem rather cold. For the person who came to the clinic for help it was certainly a deep human experience that he did not have to wait hours or days, even during the war, until someone took an interest in him and that it was not just someone who took an interest in him but it was the Professor of the clinic who came to him in the first hour to talk about his complaint, to examine him, and to express his good wishes.

Q You spoke of a special position of Konenlychen. What did you mean?

A Well, there was another thing I noticed especially at the time in contrast to other clinics. I had admitted patients at the Virchow Hospital in Berlin frequently and there was something that I just hated to see that impressed me greatly. That was that the first subject of discussion, the first contact between a patient and the doctor, was always, unfortunately, the question of the financial settlement. First of all it had to be established who could pay the expenses and that was something that did not exist at Konenlychen. The moment the patients arrived I should like to say, before they realized it they were being at ease, they were made welcome, they were examined by the Chief

and it is certainly not wrong if I say that some of them were operated on and were in bed for 8 or 10 days before they managed to say that they had financial difficulties and that they did not know how they were going to pay. Then we assistants only had to mention it to the Chief, who was always ready and always able to help them and support them. Thereby the whole clinical experience was given a special breadth and a special centralization on the medical personality of Gebhardt. If I had the impression of a special position, this was due to Gebhardt's announcement to the assistants that Hohenlychen was a clinic which had a special position in Germany. He collected the assistant doctors and all the associates around himself frequently and at such discussions he said this. He said that the clinic had to keep an especially high level and that therefore we had an especially great duty and he expected very much from us. He took no consideration of any free time. We had us work from 7:00 in the morning until 1 to at night and he did not recognize Saturday and Sunday. He opposed attempts to get a certain free time. He opposed that very energetically but in this lowness for clinical obedience he always appealed to the duty of the doctor to help and to be interested only in medical care. He never asked us with a harshness which we could not understand. He merely appealed to the higher moral virtue of duty within our profession. The clinic held a high level even during the war and it was often said that service at Hohenlychen was just as important as service with the divisions, because this clinic, for example, had special tasks regarding the sickness of very high and indispensable personalities. In the second place, this impression was given to me, who came from the middle class and the highest personality I had ever seen during peacetime was perhaps the mayor of my home town-- this impression of a special position was given to me because the patients held the highest

positions in the society of Germany and other countries. I knew that a man of a European country was one of the patients. I knew and had seen that members of many European royal families were patients. International financial magnates were patients. More than half of all German ministers, foreign ministers, foreign ambassadors and international artists came to Lohenlychen. That, too, was because they wanted to be treated by Gebhardt and Gerhardt projected this city and this tower to all his clinic, that is, to Felchtenlychen.

Thus arose the possibility I came to the opinion that Lohenlychen had a special position. The most thing that impressed me was that those people of high position in society were together with the workers and peasants the majority of the patients. I knew many German clinics from which people used to care for especially rich people. In those clinics rich people were alone and then in contrast to that there were proletarian clinics or charitable clinics for poor people. That was in a form which I have never seen elsewhere. That was united in Hohenlychen. In Berlin, where I was the doctor, there were three, also I mentioned first; in Berlin, where I was also the doctor for a long time, there were workers from the Hitler Jugend or minors, or women from the army in Berlin 7, and from SS in Berlin 7. Everything was together. There were assistants working in all wards and all the clinics and they worked in all of them. I know that Heinrich Himmler differed from Berlin 1 because the Minister had a study to receive his chosen or perhaps an interpreter and a telephone and that the soldier was in the same room with a doctor people; but to be able to build ourselves room to study at a time there was no difference whatever in the treatment. Therefore I have a deep respect for the personality of Gebhardt and increased my confidence in him on the basis of the work which he did there, which I been carried on for 10 years.

Q. Were you especially impressed in the sense of National Socialist ideology or SS ideology at Schonlychen?

A. No. In a certain sense Schonlychen was extremely tolerant. There was no doubt it was definitely loyal to the State. I knew Schonlychen only during the war. The duty of loyalty to the State was a matter of course but no one felt obligated to the Party or to the National Socialist ideology. I may note in passing that religious services were held in both denominations in the chapel until the collapse and that the priests of both religions came to hold religion to the sick children; but that was not the important thing. I should like to say there was another reason at Schonlychen for catholic thinking and for protestant thinking and from the time when I examined the Lyal temp patients I know that Jews and half-Jews were also treated there and enjoyed no attention. That was the thing which I noticed. Gotherit sensibly formulated that and said that we are living the National Socialism here of Gotherit type.

Q. How long did you stay in Schonlychen and then where did you go?

A. I stayed in Schonlychen during 194- and the first half of 1941, until the outbreak of the Russian Campaign. Then I was transferred to the 1st SS Division, the Leib Guard of Adolf Hitler, and was made the leader of the 1st Battalion of this Division.

Q. This Division was in the campaign against Russia?

A. Yes, this Division took part in the campaign against Russia. It was in the southern sector of the Eastern Front.

THE PRESIDENT: The Tribunal now will be in recess.

(A recess was taken)

THE MARSHALL: The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, the war against Soviet Russia you took part in as a Leibstandarte Adolf Hitler; please tell us of your experience during this service in respect to the evidence being presented in this proceedings?

A. I took part in the war against Soviet Russia first as a physician for the First Battalion and second as second surgeon, a Hauptverbandplatz - Platz is the medical unit in which the surgical treatment takes place at the closest distance from the front.

At that time I experienced the war for the first time really and there I saw things that you cannot find in books. It was a very difficult time because it placed the individual under an entirely different law from the law under which he was placed during peace-time. Because not everyone has had this experience personally and many of those who did experience it did not survive it, so that those who had experience in this respect are individuals among great number and are likely not to be understood. I should have been happy if my generation had been spared this experience, but that was our task and this is the tragedy of the situation that my generation did participate in this and it would not be right for me to complain about this - of course I would have to complain to a German.

This division was a German elite division. From the very first day of the Russian campaign until the day when I had to leave it because of a slight wound and a serious illness on the front lines in actual combat.

At that time the German divisions were still advancing to the east and the attacks were carried out with no regard for our own losses. The division was 12,000 men strong at the beginning, 12,000 young men no older than twenty four. As troop physician I came to know these men to a large extent so that the difficult

thing for me subsequently was that the number of wounded were not impersonal cases of wounded persons, rather they came to me as wounded friends as wounded human beings, when I knew very well and the sort of persons they were. I said that the Division started with 12,000 men and when I left and I remember the statement, its strength at the end was in toto about 3,000. When I left a large number of those 9,000 fatalities and casualties went through my hands. They dropped out because of death in the field through wounds, through sickness and during winter because of the terrible cold.

My experience as a troop physician basically and in many respects differs from a front line combat officer. The combat officer, of course, also experiences war in all its hardships, but experiences it actively and when his men fall beside him, he tells himself that that simply is the fate of war, when they are wounded he tells himself the same and his position prevents him from inquiring into the individual fate of these individuals. But, those wounded persons who would come to us troop physicians are the same people with whom perhaps on the day before we had spoken and had made a particular impression on us. Those people expressing the same hopes for life and wishes as one had within hence in mind in one's own heart.

In all these occurrences which did not happen sporadically as in the case of the combat officer, but happened continuously to us, these events lasted throughout months and months, and this is the way I answered the question at the end of the war. I believed that this war had been so cruel that it could only be concluded after the last man had fallen. That was the impression that we had at that time because one asked himself again and again: where do these young healthy people come from? At that time the man who was not completely immaculate about things or indifferent to them and who did not simply have the wish to reserve himself as an individual and to save himself, such a person found himself in a critical spiritual condition because everything that happened and was experienced took place according to laws which one did not know or from perception.

We had been raised in the belief in order, order in which man occupied the central point, and we saw man as a creature who stood in a personal and direct relationship with God. Now we experienced the effect of that punishing storm and know that of which one knew that they did not know the enemy, that these men obeyed order and in obeying these orders committed deeds or were wounded or died although we knew that they did not been particularly allured to do this either by orders also, but that they did this only because they did not lay down the lives of the people. Then, the person who analyzed these conditions from a spiritual point of view went through a very essential change if he saw that there was such a thing as a law of war, a mechanical law of war, and that this law of war was not only different from the law of peace but that it was actually the diametric opposite of the law of peace.

In accepting the individual stand in the center and the state that supply the organization for the individual security, and unless one wanted to be an anarchist, one could allow in warfare only that law which put the state in the center and adapted a

supra-individual attitude, however, without being able to avoid the conclusion that the individual occupied a secondary position. There were also philosophic bases for this point of view.

One referred to Hegel who saw history as the manifestation of Divine Will and the State on the one hand as the highest ethical norm, and on the other hand saw in the State the instrument for the execution of this historical process. Thus, two laws confronted one another which really had no contact with each other but stood in a contradiction to one another. Both were based on ethical principles. The justification of each of them could not be denied. They were based upon concern for the suffering, cares and deaths of the soldiers in relation to reality. At that time I felt the wish in myself to defend myself against these terrible occurrences, but I could not have granted myself the right of accepting any fate but that which the others next to me were to experience, but after the war I wanted to appear before the youth of our country and speak against war as an institution because I believed that it was the root of all evil, and I thought that this would be more convincing if I did not do it from a comfortable armchair but did it after I myself had experienced the hardships of war as a true soldier.

At that time it was clear to me that it was a particularly tragic situation that would result if a man had to act in a moment in which the laws of war and those of peace were working in him simultaneously and if he experienced within himself the difference and the contradiction between these two laws, both of which were based on ethical bases and grounds.

Q. How did the loyalty of the SS Division differ from that of others?

A. Counsel can certainly advise me on this since I was only under the Leffen SS. I only saw the other divisions next to me but was not actually in them. One thing I do know that they were essentially characterized by the personalities of their commanders. These commanders were men and personalities who, as history will report, were determined and courageous and they gave an example of such qualities to their soldiers. I had experiences with two divisional commanders, they both were the decoration for close fighting, from which it could be seen that they had not directed tank attacks from their headquarters, but they were actually on hand in the first tanks themselves, and actively participated in the fighting. This resulted in a very particular command relationship within the division, because a man who acted in this way and of whom it was known he was a courageous man and had experienced everything the common soldier had experienced. It was impossible to refuse to obey such a man and it was impossible not to give such a commander implicit obedience. These personalities and personal courage of these men was really the essential characteristic of these men, although they may have been in tactical respects very skillful.

Q. What were your impressions at that time on the Eastern front regarding the medical and the medical military problems?

A. The first thing that I experienced was that the situation here was quite different from that in peace. For example in 1941 and 1942 there was mention of a winter catastrophe on the Russian front and I heard at that time with interest that this catastrophe was traced back to some extent to difficulties in organization. We troop physicians saw a different picture of this and we thought the main reason for this was a different one. The situation was characterized by the fact that the medical power, even that in the ambulances was not sufficient to fill the duties that were placed on us, particularly when a main dressing station had four doctors and cannot under any circumstances take care of more than twenty or twenty-five seriously wounded persons, and perhaps as many as fifty slightly wounded persons in one day. The problem of which I spoke came up when not sixty wounded persons turned up, but 150 and 200 and I have experienced 400 wounded persons which had to be taken care of at the dressing station. Secondly, the situation was characterized by the fact that the war was a war of movement, which made the connections between the various

units much more difficult, where as the main emphasis in the medical care with the individual unit in the case of wounds from high velocity weapons, the troop physician was not to take care of the wounded. This could not have been foreseen, and later that a symptom arose which was known as the third stage of molecular disturbance. The first care for these wounded persons was insufficeint and the troop physicians could only sterilize the wounds. Their main task and their main concern was to transport the wounded from the front lines to the rear area, the main dressing stations in the rear area, so that the real surgical treatment took place only at the main dressing stations in the rear and that they were successful. From this it can be seen that unfortunate conditions arose which it was impossible to solve because of one division which consisted of 15,000 men there were two main dressing stations and one front line dressing station. In these two main dressing stations there were four surgeons and they were [illegible] to do the main surgical treatment. I think that even this is problematic, and that if one is clear regarding the fact that in this war a big disproportion existed between the destructive power on the one hand and the static potentialities of the physician, then the answer is given to the question which has frequently been asked here of which people tried to solve along organizational lines. When our division stood over against a Russian division and there was a Stalin-Orgel(organ) in this Russian division with rocket guns, and one of these Stalin organs, these rocket shooters, had a direct hit in a group of soldiers, thirty or forty soldiers fell, and that [illegible] under which it would take a physician in the main dressing station a month to attend to. Unfortunately they did not shoot like a Stalin organ but numerous at a time, of which not all hit home, but even if ten hit then the number of wounded reached as high as four or five hundred. This was a number of casualties against which the physician working in his home could simply nothing. At that time because of this attitude and because of the necessity and of this problem the report regarding the effectiveness of self-medication was particularly striking, and was a great increase, because if I simply want to relate into observation and when new our soldiers and the enemy's soldiers simply fell to their feet without any help and so the technical development of the destructive weapons,

then, of course, I wanted to do something. Psychologically, it was very difficult for a surgeon at a main dressing station to stay there without feeling that the task which he was presented with was simply beyond his powers no matter what he did at it. He who was not ready to resign himself to the current situation that this also was patchwork over against the growth of these modern weapons. Then the hope and possibility arose that many would come out in believing themselves and in being very critical, namely, the hope that with therapeutic methods it would be possible to equal the technical growth of destructive weapons equivalent to the growth in methods of therapy. These speculations were not without their consequences because if in this way a large number of wounded persons could be cared for they were cared for and anyone concerned himself subsequently with these traumatized persons because there were still many who were in need of acute surgical care. These persons who had been treated took the long, arduous journey back to the interior. But the relations in the east were much different from those in the west. I also went through the war in the east. There in the first place we were protected by the Red Cross because our opponent was fair play. We could rely on the Red Cross sign and the wounded transports could move without interference. In the east on the other hand, the situation was different. Red Cross cars were shot at just as much as any other, but that was not the most difficult matter. The most difficult matter was the rain. I recall a specific experience. I was once commissioned to bring my wounded from the main dressing station to a field hospital in order to put our men in school houses in order to have more room. At that time I hoped that the transport would have had from the trucks from the munitions depot and that the transport could be carried out in one day, but it turned out quite differently. These 18 kilometers could be covered only in three days because the trucks could go only through the muddy roads, and during these three days the patients were without any care and the necessity alone of getting to their hospital caused difficulties. In other words, this was an enormously important matter, whether we could succeed with the help of sufficient [illegible] to provide crucial treatment for that enormous number of wounded persons who otherwise

would not have been treated or at least insufficiently treated. Because of this mis-proportion of the destructive power of the weapons and the manual potentialities of the surgeons this was what characterized the medical situation in the war in the East.

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Q. Where did you then go to from this main dressing station?

A. I fell sick in December 1941 of jaundice and went back through medical channels to the rear area, to Hohenlychen.

Q. What impression did Hohenlychen make on you in December 1941?

A. I arrived at the beginning of 1942 and found Hohenlychen quite different from what it was a year ago. This change was not in external matters or facts, but was rather a more internal matter. In 1940 Hohenlychen was a hospital, in which sportsmen or others were to be found, and the basic tone there was cheerful and almost happy. In 1942 Hohenlychen was an Army hospital. The sportsmen had become less and they were mostly wounded soldiers who were being cured there and who had the opportunity there of being cured. This basic change affected also the clinic. I would like to say that everything was more serious in 1942.

Q. What position did you have there in the Army Hospital in Hohenlychen?

A. I was Oberstabsarzt, that corresponds to Lieutenant in the American Army. And, at the beginning was in charge of the Septic Station, and then was assistant in private station No. I and in the Officer's Station P-2. Also it was my task to take care of the ambulatory civilian patients who came at the rate of about thrity a day to Hohenlychen to consult with Gebhardt and be introduced to him. It was my task to introduce them to Gebhardt.

Q. In July 1942 your Chief, General in the SS, Gebhardt gave you the order to carry out human experiments. Professor Gebhardt has described these experiments in detail. Would you like to make some statements regarding them? But, first I should like to ask you, did you previously concern yourself with this basic problem, namely, whether medical experiments on human beings were justified or not?

A. Counsel, before I answer that question I should like to point out that the sentence "you received the order" was translated "you received the permission".

Q. You did not receive permission, rather you received a specific order from your superior officer and chief of the clinic who was then Obersturmfuehrer and General in the SS Gebhardt.

A. Yes. I had concerned myself almost not at all with the question of human experiments heretofore. I had known that there were experiments on human beings in the course of medical history but I never looked into this matter and had the conviction and wish never to concern myself with that problem. I know that there were human beings and doctors, who even in normal times acted as free individuals and held human experiments to be necessary. And I knew that these were doctors who were not so much clinical doctors or followed a clinical direction which can be traced back to the old art of Priest craft and assisted in observing the symptoms of sickness, but were doctors who in normal times followed their own initiative. They represented natural scientific attitude and felt themselves ethically justified in what they did, because in natural science the final proof lies in observation. And, in the natural science applying to biology proves itself in the last analysis observation of human beings. But, this was of no practical importance to me. These questions had been only academic considerations for me and had never had any real basic influence on me. At that time I did not even remember that I had ever concerned myself with this problem heretofore.

Q. To this question Professor Leibbrandt and Rostock expressed opinions. They testified that they would not have carried out such experiments on human beings. What is your basic attitude toward that problem?

A. When Professor Rostock gave this answer I envied him and I consider him happy - that at the height of his surgical career he could say such a thing. I had always believed that I, could see such a thing, because it would never have occurred to me toconsider such an experiment necessary. I should never have carried them out, I, as a person who could make his own decision. So, I shouldlike to say in summary that I have

exactly the same attitude as those two gentlemen. And in this particular trial, I see the question differently only so far as it was not a question of my initiative and basic attitude, but that these matters arose from the situation which was characteristic of war and the condition at that time, and was conditioned only by the war.

Q. Professor Leibbrandt's testimony and Rostock's testimony referred to 1947. How did the situation seem to you at that time?

A. The situation in 1942 was so different from the situation in 1947 during peace that in describing these things it is difficult for me to recall what the situation was at that time, namely 1942. Both the external and internal conditions I cannot describe sufficiently, unless I take up the development that led to these conditions. I was born shortly before the first World War and was educated in the period just subsequent to it. During this period of schooling we heard from our teachers of the situation that Germany was in after the first World War, namely poverty, because the old hereditary disease of Germany of particularism had had its sacrifice again. Whatever the political orientation of the teachers was, they all agreed that through work fate could be improved on but that, secondly, unity and, as a demand on the individual citizen, subordination to the State were an integrated and necessary prerequisite and a better fate in the future. All the parties, who got in touch with unity at that time, emphasized this point of view, and differences between parties themselves were peripheral as far as we were concerned. Despite this wish for order and unity, despite this wish for a State, in which obedience and submission were paramount, disunity became greater and greater until 1933 when, to the surprise of most of us Hitler came on the scene. Her personal orientation toward this occurence could be as different from individuals as possible. Nevertheless the strength of the State was again organized, the economic problem of unemployment was solved, and all this was a convincing argument and brought many people into a benignant attitude toward National Socialist party.

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None of us believed at this time that there would be a War, but we knew, that if a War came about, the economic limitation s underwhich Germany lived and had to live made defeat very likely. And, the only antidote against this fate seemed to us to be the moral strength of unity itself There was a very essential change at the moment when the War began, of which I should like again to emphasize the fact that all of us, whether or not we were politically active, all of us did not greet it. I considered myself politically inactive at that time. The situation changed to this extent, that at that time we now considered ourselves no longer able to free ourselves from this total fate.

The National Socialistic state made propaganda at us, stating that the situation was that we were like the crew on a ship descending into a maelstrom, and the individual no longer had the right to follow his own wishes, because his fate was the fate of all, and it could only be a question either of the ship's floundering or that, through common efforts, it would be able to reach the shore. I believe that this was the most convincing argument, that persuaded many who were in opposition, or simply endured National Socialism, then actually took part in it actively, abandoned their passivity and regarded the Fuehrer not as the leader of the Party or as the exponent of a political system, but as the chief of state of the German Reich and as the commander-in-Chief in the war whom they obeyed implicitly in that capacity. The whole situation during that period, which we all knew in the year 1942, was Germany's fight - life and death struggle - and I know that this has not yet been expressed by witnesses at this trial - that was a characteristic that I, as a man of the people, experienced and did not so experience as a person in high position. This we saw as members of the German people. For us the State was characterized by the clear chain of command from the top to the bottom, to which was attached the responsibility and the duty to accept responsibility, and the duty from below upwards to be obedient. I should like to mention something also as characteristic for that situation. When I mentioned my front line experiences I spoke about how this law of war was obligatory ethically when one saw friends and also persons, one did not know, losing their lives during the war. In my effort to recognize the spirit and philosophic situation, I saw that it was not possible for the individual to recognize it, because it took place in an order that was above the individual and concerned a whole state, and so the situation in 1942 was characterized by the individual's recognition that he must obey the orders of the state, no matter where they might reach him, without always

knowing that he should understand the individual measures, and without it being forbidden that he should consider them just. There are many parallels to these occurrences not only from the purely military sphere, but this law of war, which previously had been sharply discriminated between combat and rear area soldiers - now this law applied not only to front line soldiers but also to the hinterlands, and with this extension of the effectiveness of weapons, automatically the law of war, of which I have been speaking, also became extended; and so it happened that in other fields of life - for example, in labor allocation, all the individual peaceful laws were relinquished and were supplemented by new laws and regulations, which one could not understand from the purely peaceful point of view or orientation. The duty to work was obligatory for everyone, including women, and so in various spheres, life became lopsided, so to speak, so the individual was no longer able to discriminate at what point the law of peace applied and where it was over-lapped by the law of war. We also knew at this time that other persons, who were involved in the pursuit of science - for instance, in the preparation of chemical war or in increasing the effectiveness of explosives - that these men certainly were not acting as individuals with a positive aim, but, on the contrary, with a destructive intention; and vis-a-vis these tasks, the individual who received orders to do such work was not in a position to refuse or even to ask himself whether it was permissible.

Q. What was the contents of the order which, in connection with the sulfonamide experiments, Professor Gebhardt issued in July, 1942?

A. Professor Gebhardt came, in the middle of July, 1942, from the Fuehrer's Headquarters, called me to him, and told me briefly and definitely that he had received an order from

the Fuehrer via Himmler to test the effectiveness of a few new sulfonamide preparations, of which he justifiably hoped that they would succeed in controlling wound infections, and which, for that reason, should be used as preventive means in the German Wehrmacht as widely as possible. He told me that for this reason, in order to be able to answer this decisive question entirely clearly, this order had come from the Fuehrer via Himmler and that the testing was to be carried out on human beings. Gebhardt told me that he was the person who had received part of this order; namely, the medical part and that he was going to carry it out and wanted to make use of my services as his assistant and he told me that I was as much obligated by this order as he was, since it was a Fuehrer Order, and that it was not my responsibility - what I did in obeying it.

Q. You testified that it was a Fuehrer Order; namely, an order which you felt particularly obliged to obey. Did you otherwise, in your military career, receive a Fuehrer Order?

A. In my military career I three times received Fuehrer Orders. Through the explanation I tried to give, regarding Germany's inner structure at that time, I wanted to point out the particularly obligatory nature of such a Fuehrer Order. In November, 1941, when the German Front, for the first time, was brought to a standstill, my Division was before the Russian city of Rostow on the Don River. The German forces were exhausted, and in order to mobilize the reserves, the Fuehrer went to the front to Zaporozhye and gave our Division 1 commander the order that the city of Rostow was to be taken. My Division consisted at that time of roughly 1000 men in four battalions. Two battalions totaling 500 men, were put together and I was given the order to conduct the main assault station for them. For a military tactician this would have been an onerous task to command such a group. The fact that it was a Fuehrer Order excluded any

possibility of discussion and, on the morning of the 30th of November, the two divisions went into attack as ordered, broke through the Russian defense, and, on the same day, took the city of Rostow on the Don. Out of the 300 men, 300 were lost, and four days later they were thrown out of the city again. In the winter of 1943-1944, the German front in the Ukraine collapsed. The First German Army was encircled, surrounded, dispersed and fled into the rear regions. At this time, my division received a second Fuehrer Order. We were unloaded at Lemberg and entered a territory in which there were no more German soldiers; went 120 kilometers through the bitter Russian cold to the East. The tanks broke down so that at the end we, consisting of infantry alone, had to try to gain our goal. This order was only carried out, because it was an order from the highest commander-in-chief; and, in this case also, we succeeded in doing what we were ordered to do. We freed the 230,000 people who had been surrounded, but this order also was carried out at the expense of great losses.

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(A recess was taken until 0930 hours 11 March 1947)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al., defendants, sitting at Nuremberg, Germany, on 11 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in court with the exception of the Defendant Oberhauser, absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the defendant Oberhauser, who has been excused on account of per illness.

Counsel may proceed.

MR. DIXON: Report.

DIRECT EXAMINATION (Continued).

BY MR. DIXON (Counsel for the Defendant Oberhauser):

Q. Yesterday you spoke of the further order which Dr. Schubert informed you of; I ask you now to tell us what the contents of this order were and why it was to be reported to Berlin by these experiments.

A. Upon in the middle of July I was called to Dr. Schubert, who was to tell me to at the experiments, he told me that this further order was an order on the part of the State, in which a new series of new sulfonamide preparations had to be tested. This testing was particularly important in that preliminary investigations on animals, and also clinical testing, had shown that the particular effectiveness of the sulfonamide preparations, to their was justified hope that a decisive turn in the therapy of and infections would be achieved through these preparations. He pointed out to

me that the decisive improvement was so important because, as I said yesterday, the therapeutic situation regarding persons wounded was very difficult. On the basis of documents he told me that there were in essence four preparations, one of which was cibazol, a sulfacinzol prepared by a Swiss firm; and a Swiss professor's, Dr. Brunner's work on this subject he showed to me, who had tested this preparation in a clinic. This clinical testing of the preparation really seemed to justify the hopes. He had carried out experiments on normal people, such as those up in a recreation clinic, and treated a total of 109 patients exclusively with sulfanilamide and without the usual technic wound treatment according to Friedrich. His results were surprising in that of these 109 patients in the recreation clinic, 106 recovered without complications, although in the case of 15 of these patients gas bacillus had been detected in the patient. This meant, in other words, a success of 97% i.e., for practical purposes 100% success.

The clinic itself was accepted [illegible] in general, but [illegible] greatly [illegible] critic for a number of combatting [illegible] infections, which [illegible] in greater proportions.

The second paper, down to [illegible] for this experimentation, was a work by Professor Lonck with [illegible] on animals. Marfanil is a sulfonamide preparation. It [illegible] into the German army, a mixture with [illegible]. It was [illegible] P. powder, but in this P.P. Powder [illegible] marfanil [illegible] thin. In the work that I was shown by this professor [illegible] extolled solely of marfanil. Experiments were carried out on [illegible], and this had taken place as follows: There were a number of animals [illegible] with gas gangrene without being treated surgically. In all those cases without surgical treatment death resulted. The animals treated with marfanil survived in 82.5% of the cases. Gebhardt said then, if marfanil [illegible] combined with surgery on the [illegible], 100% success could be [illegible].

The third preparation was an antiral [illegible], Intoxin. It was particularly characterized by the fact that it was a colloidal solution, a combination

of oxygen and silver; one of this paper stated it was expected that it would be a vaccine because of the silver, and the use of the oxygen was to have particular effect on those bacilli which grew to oxygen during their growth. There were several experiments to crush with this also, which had been carried out by [illegible], half of the fire that manufactured ketosin, and the results of these several experiments showed, for practical purposes, 100% success.

The last preparation was ultravaptil. That was also a sulfa [illegible]. There was only a short paper on this preparation, but Professor [illegible] explained to me this preparation was said to be particularly effective from what he had heard from [illegible] officers in the Fuehrer's headquarters. From the [illegible] of hearsay, this [illegible] before they were introduced [illegible] Gerhardt — [illegible] on a very broad basis — should be very interested in their work [illegible] reliable effectiveness. In order to achieve this goal, Professor [illegible] told me, the order had come to [illegible] Gerhardt [illegible] to test these preparations on [illegible], [illegible] a clear answer could be [illegible] these questions. And [illegible] that also this order had been [illegible], and he it had [illegible] particularly [illegible] in carrying it out.

[illegible] this order to [illegible] decision on the part of the State and [illegible] the medical part of it would carry out only the medical part, and [illegible] other members of the State would take care of the legal and other aspects of the problem.

Since this whole matter was [illegible] surprising to me, and I was totally [illegible] for it, I [illegible] time not to choose me to participate in it, because I [illegible] to be [illegible] such circumstances; [illegible] told in the [illegible] time, really, in a strict [illegible] manner, that [illegible] Professor Gerhardt [illegible] received this order; [illegible] I did; that I was in [illegible] responsible [illegible] I in [illegible] should do his rigorous.

Q What was told you about the experimental persons?

A I was told that a number of male German professional criminals who had been condemned to death were to be used for these experiments who would thus have a chance for pardon; and in addition Gebhardt told me how he imagined the experiments would take place. He told me that the healing effect of the chemotherapeutics would be completely confirmed, so that we would not have to count on having fatalities. A few of the patients for purposes of comparison would have to be left untreated chemotherapeutically. However, he would try to keep the resulting inflammation localized and isolated to such an extent in those untreated persons, that the physician would always be in a position to interrupt this inflammation through surgical means.

I must add one thing: at that time I was told that these experiments were not to be kept secret. I received this order from Gebhardt within the scope of our hospital perfectly publicly, nor did I see any writing that was marked secret. Professor Gebhardt did not keep these experiments secret, and I myself carried out these experiments perfectly openly; and I was also told at that time that reports were to be published on these experiments. Then, in other words, there was no secret character to this any way. In addition, I was always assured that this was a legal State action, the State having during the War taken the right to carry out such experiments.

Q You have now described your participation that you were to have according to the Fuehrer Order. Did you not also wonder in what situation the experimental persons, on whom the experiments were to be carried out, would find themselves?

A Yes, I did. At the beginning I stated that the thought of doing something that was not really in accordance with basic middle medical principles, namely, to treat a man not with the first aim of helping but a secondary one. I said that this was counter to my basic feelings, and that for that reason I did not want to take part in those experiments; but, at the same time I could not deny the effectiveness of Professor Gebhardt's argument. He told me that I had been chosen for this as his assistant, because he wished that th experiments should be carried out by him and the assistant who was close to him and within his same circle.

Regarding the fate of the experimental subjects involved, I did not think of them in a legal way, but thought of myself as part of a State whole as a soldier who not always had the opportunity, the possibility, and the right to fully realize and see the individual act he has been ordered to do in its full extent and to justify it to himself. I believe that those experimental subjects who as condemned to death were faced with certain death and, therefore, had a chance for life by going through with these experiments seemed to me some justification. It seems to me that if I were in the same situation as these experimental subjects, I would seize such an opportunity as was being presented to them.

Q The expectations, with which these experiments were undertaken, were that they would provide an effective means for front-line treatment. You expected from the experiments a positive result, namely, that the sulfonamide that were there tested could be used successfully in fighting wound infection

A When the experiments began, I, at least, was firmly persuaded that, on the basis of the writings on the subject that we already had, there would only be minor inflamatory reactions, namely, in the experimental persons who were to be treated with sulfonamide. The writings on this subject seemed to justify this assumption on my part.

We were also convinced that the inflammation, that would result without the effect of the therapeutic means, could be combated simply by keeping them resting in plaster casts, and that the inflamation would not spread.

I can't go into this in some detail for the doctor and for the surgeon an inflammation is deprived of its serious consequences if it is split open; and also in the case of gas gangrene we thought we could control inflammation if the patient was kept resting in bed, and if we stood next to the bed with the surgical knife in order to be able to combat the inflamation immediately by surgical means if necessary.

Q In other words, you did not expect fatalities?

A No. This fear of fatalities was not the reason why I asked not to participate in these experiments. Rather, I did so only because of my inner resistance to doing something in contrary to basic medical principles; but

we were of the opinion that in the individual cases the inflammation would be no worse than a boil, and we believed that in the patients not treated with sulfonamide a locally limited phlegmone might arise which, however, could be effectively combatted through surgical means. We did not expect fatalities.

Q How far is Ravensbrueck from Hohenlychen?

A Twelve kilometers.

Q Then it was always possible in the case of a fatality for you or Professor Gebhardt or another doctor to be fetched to Ravensbrueck?

A Yes, and Professor Gebhardt also told me that he had reached this arrangement precisely so that here would be assurance that he would be there at any time available to assist.

Q At that time when the order was given to you, did you know anything about the prehistory of this order such as it was described in this courtroom by Dr. Gebhardt?

A At that time I was a Stabsarzt in Hohenlychen, one of the youngest and lowest in rank of the assistants. Professor Gebhardt was the absolute chief of Hohenlychen, a very active and energetic man. He never discussed these matters with me. The prehistory of it such as it was here described I had no knowledge of.

Q Did you take part in any preparatory discussions of this with any officers?

A No.

Q Had you previously been in a concentration camp?

A No, never previously. My first visit to a concentration camp I made in the company of Professor Gebhardt, namely, at Ravensbrueck.

Q You heard Professor Gebhardt's description of the experiments in Group 1, namely, those carried out on fifteen male prisoners. Would you like to add anything to that description?

A It was as Professor Gebhardt described it. So far as I recall, twelve of these patients were given sulfonamide and three were treated only surgically as check patients. As in the latter cases, a cut was made in the outer surface of the lower leg about three centimeters deep, and into this

incision the bacilli were introduced, and, as I said, in the case of twelve patients sulfonamide was later added or given intravenously, and in the other three, they were simply observed curatively. This first experimental series was only slightly effective. It was ascertained that the way in which we were innoculating the bacteria culture which we were doing very carefully was not satisfactory and resulted in something which we surgeons would call primary healing. In all fifteen cases the convalescence took place only with slight delay. There were no untreated persons in the experimental series.

Q Was there no subsequent damage as a result of these experiments or permanent damage in these patients?

A No, as I said it was something which we called delayed primary recovery. I checked their bandages until the conclusion of the experiment and was assured that no one suffered any further consequences of it above the scar which resulted.

Q How was Professor Gebhardt informed of the course of these experiments if he himself was not present at them?

A So far as Professor Gebhardt was not himself at Ravensbrueck, he was informed by me in the evening after the bandages had been checked in the clinic. Our clinic was very strictly organized. Every morning at 7:30 we turned in reports on all patients who had a temperature above 37.5 centigrade, and then in the evening at seven o'clock we reported personally on those patients whose case was somewhat more serious. In the course of these reports on the various patients in the surgical department, the ambulance departments and so on, I also mentioned to Gebhardt the patients from Ravensbrueck as to their general state and their temperature.

Q Please describe to the court the course of a normal visit which you paid to see the experiments in Ravensbrueck?

A Preceding such a visit was a telephonic announcement. I then rode over to Ravensbrueck and drew up before the large Commandatur building and reported there to the resident physician. This was really outside the camp itself. The resident physician then went with me into the camp. Once one had gone through the gates one entered a large court yard about 100 meters square, and to this the camp street lead. One of the barracks in the immediate vicinity of the gate was the barrack of the camp hospital, namely the operatio al building. I crossed this court yard and together with the resident physicia I entered this first barrack. This was a wooden building with a cement or ston foundation, which gave one a good impression so far as it was constructed. There were two large operational theatres in this building, one for septic and one for asceptic operations, and as I recall, one or two small offices there, and then a room in which medical mechanical treatment could be carried out,

namely, treatment for broken arms, and a heat treatment, and then there was a special x-ray room, and then a drug room and a bath. When I came there, the visits to the building were rather few in number. I brought various equipment with me from Hohenlychen, and then the experimental patients were taken to the experimental location on portable conveyances, either in chairs or being carried. Initially they went on foot, but since we had patients brought in Hohenlychen I had asked the resident physician to make the arrangement I have just described. Then the bandage changing, which I then did, I carried on in the same way I would have in our clinic at Hohenlychen. I must state that because of the great amount of work we had at Hohenlychen I could only take car of this dressing between two and four in the afternoon, and when I got there I came directly from the sick beds of the patients in Hohenlychen, and I acted in the case of these Ravensbruck patients exactly as I would have acted at Hohenlychen. I was assisted by prisoner nurses, who gave me the materials I needed, the change of dressings was carried out under anesthesia, and if the process of changing the dressings promised to be painful, it was carried out when the person was under complete anesthesia. I always tried to be as considerate of the experimental subject as I would have been of a private patient. And I came from a clinical private hospital environment and returned to it: before 2 p.m. and after four o'clock. When I returned, I was again attending to our patients at Hohenlychen.

Q. What impression did the camp hospital in its external organization make on you? Was it clean?

A. I can only make statements about the buildings and the equipment. I must also state that my arrival was announced beforehand always. When I got there I saw a hospital situation which seemed very clean to me, such as one might find in a medium range hospital. The cleanliness was perfectly satisfactory. I also happened to know that the question of sanitation is not too great a problem there because there are so many persons around who can carry out sanitation measures.

Q. You then came to the experiments on female Polish prisoners?

A. In my description of the first experimental series I said that the effectiveness of these medicints could not be effectively tested because there was no difference between the case history of those treated with sulfonamides and those who were not treated with sulfonamide. For this reason, Professor Gebhardt ordered that the inflammation should be intensified, so that the local inflammation would be brought about which would permit these preparations to be tested. I went back to Ravensbruck and found out from the president physician there that female prisoners had been prepared for these experiments. I had always previously seen the patients under narcosis only because I first had to sterilize my hands, and by the time I got there the patients had been already anesthetized. Then I was told this by the resident physician I did not operate, but went back to Hohenlychen and reported to Professor Gebhardt, who was then in station I as a patient. I described the situation to him and asked him to free me from the necessity of carrying out these experiments. He also was greatly impressed, because as I know he also was spiritually opposed to this experimentation, and he told me that he would take care to clear up this matter. A period of about two weeks then elapsed before I was called to him, and in the meantime he had recovered from his sickness and had gone to the headquarters and returned; and he told me he had spoken of this matter with the competent quarters, and that the experiments were to be continued, and that he was passing on this order to me. That it had been decided that female prisoners were to be used for the experiments, particularly in consideration of the fact that the experiments would probably not be dangerous to life. I was then told that Reichsführer Himmler was to visit this next experimental series, which was considered to be the final one, and that for this reason I should begin immediately. Therefore, on the same day I went over to Ravensbruck and began with the next experimental series.

Q. What was told you with regard to these Polish female prisoners? Were you told they had been condemned to death and were to be executed?

A. Yes, I was told that they were female Polish prisoners who were about to be executed. Professor Gebhardt also told me that, because of the

fact that experiments with male prisoners had been so harmless, this had induced him not to demand men again for the experiments. One wanted to use females that had been condemned to death and wanted to give these prisoners the chance to save their lives by experimenting on them rather than on males.

Q You heard Professor Schardt's testimony regarding experiments on the second group of subjects, namely, this group of 35 women. Do you have anything to add to that description?

A. No. My experiences with this second group of thirty-six was exactly what Professor Gotthardt described. This group was broken down in three series of twelve which were to be compared, one with the other. Among every twelve patient subjects, two were not treated with sulfonamide, and the other ten received sulfonamide after the inoculation, although in a varying scheme. There was one thing in common with all three groups, namely inflammation did not result in all cases when sulfonamide was injected into the wound at the same time as the bacteria. In the other cases on the other hand local inflammation arose, roughly the size of a boil as large as a walnut. In other words an inflammation that was altogether localized and which did not in any way endanger the whole organism; and, as I said, the only difference in these experiments was that there were some of them namely the six that received sulfonamide immediately with the bacterial culture, in which cases no inflammation resulted.

Q. You heard Professor Gotthardt's testimony regarding Dr. Grewitz's visit to Havens Duck in September 1943. Do you have anything to say in supplement to that?

A. No. Professor Gotthardt described it clearly. Regarding the conversations that took place between Gotthardt and Grewitz, I am, of course, not informed. They were private conversations. I know only that Dr. Grewitz was very intemperate, and expressed the opinion that those experiments were providing no answer to problems as he understood it, and were providing no answer to the question of the effectiveness of sulfonamide, especially the effect of Kutzscher and Nordmann in the case of the gangrene. I know that he demanded that wounds should be treated that resembled war wounds, and that he gave directions those wounds were to be treated by means of a shot.

Q. What do you have to say about the third experiments series carried out, with the two by twelve experimental patients

A. On the evening of Gravitz's visit I spoke with Professor Gebhardt in the evening conference. Even at that time he was determined not to be any wounding through shooting. He was considering how this question regarding the effectiveness of the medicine could be solved in general state of illness and in particular through anaerobic infection. He told me a few days later that he had decided to test this effectiveness through changing the course or manner of the experiments, namely, that the anaerobic should be tested in a part of tissue that was poorly irrigated by blood. I was then told to test the effectiveness of anaerobic in such poorly irrigated tissue, namely, on a tying off of certain muscles in order to keep this tissue isolated from the rest of the tissue of the body. These partly secretated muscles, were then examined under a microscope, and we found in the center of them a change that resulted from the reduction in irrigation and supply of oxygen. Now, subsequently to the first experiment we now planned experiments on two groups of twelve - which were to test these new ideas. The course then took place as Professor Gebhardt described.

Q. You have heard various witnesses here, on whom experiments were carried out, and who saw the damage that had been done on them. Are those damages to be traced back to the experiments themselves, or are they the result of therapeutic means that were taken superficially to reduce inflammation and to save the life of the patient?

A. I dare say to that the following: In this third group, consisting of a total of twenty-four experimental subjects, there were serious inflammations; but then not all twenty-four were inflicted with these serious inflammations. No inflammation resulted in the four who received bacteria in association with the medicine and, as I remember, the inflammation in the case of the eight more was relatively unimportant. Again inflammation was

the size of a boil the size of a walnut. In the other twelve, however, the inflammation was more intense and in them there was a true picture of gas gangrene, or, at least, a very intense inflammation. Then those who had been isolitally inoculated, three died because the inflammation spread in such a way as to make it impossible for us to control it surgically. We had hoped through giving them rest and through preventive splitting of tissue, and by starting drainage on hand to control the infection, but the results were the same as in clinics frequently, namely the inflammation spread so rapidly that, in the case of the three persons experimented on, unavailing in saving their lives. In other cases on the other hand, from this group of twelve we succeeded, to be sure, only through repeated opening of the tissue, and because we followed regular orthodox procedure with the point of view that the most important thing was saving the patient's life; and the next most important point was the preservation of the person's ability to use his member, and only in third order did we consider the cosmetic considerations, namely what the patient would look like.

Q How did this third experimental series terminate?

A. Let me say that we also carried out blood transfusions or serum therapy, and in all cases after the inflammation spread we used sulfanamide. The series was terminated in this way: Professor Sulzberger had seen all these serious cases, had taken them under his immediate care. He had, through observation in the clinical course of the unfortunate, answered the criminal question and had discovered that sulfanamides were not of as great use as a preventive and bacterial wound infection. For in the cases in which bacteria and sulfanamide had been injected into the wound simultaneously, this condition was an artificial one and would not have happened in actuality, because surgically inflicted wounds have smooth edges and there is no destruction of tissue around th

wounds. For this reason it was possible in our experiments to have this therapeutic effect. However, actual war wounds are much different - the tissue is crushed, and so on. Thus the results could not be transferred to military medicine. Professor Gebhard was greatly upset, that contrary to our expectations that persons had died, and we were of the opinion that this question, no matter how responsible we felt toward military medicine, regarding the preventive effectiveness of penicillin would have to be answered in the negative.

Q You said that the experiment did not produce the expected results. But was not this result positive in the sense that, at least, it was a clarification of the question?

A Professors Brandt and Rostock have already testified here that clinical observations in medicine unfortunately do not always result in positive and useful conclusions, but that it is often the fate of the experimenter that the results he wishes to achieve are not attained, but that his negative discoveries contribute to medicine. We had demonstrated that the newest methods, even in their latest forms, were not able to control wound infections. In other words, that they could not be used as a preventive, and this was of great importance to the front line physician, because henceforth no physician could hope to conquer such wounds easily through sulfonamide, still hoping that they might, in some way, be effective, and thus hoping that he would be freed from the obligation to operate surgically.

Q Were the orders for these experiments drawn up by you, or were they given to you?

A I neither took part in the initiative in these experiments nor did I take part in drawing up the orders for these experiments. They were given to me.

Q The witness Broil-Pluner testified that in the choice of the experimental persons you participated, and that she had seen you choosing them. What do you have to say to that?

A The witness is in error. I never took part in the choice of the experimental subjects. I believe she must have confused me with someone else because she also said that she had seen me in the company of the commander and other officers of the camp in front of the prisoners' block. However, I never visited the prisoners' block and I met the commander only once in the company of Professor Gebhardt when the experiments were just beginning.

Q You carried out the changes of dressing in Ravensbrück. Did you also speak with the experimental persons?

A Yes, I did change their wound dressings, and I have already described how this took place. I also spoke at that time with the experimental subjects. There was, of course, the language difficulty but, nevertheless, we did exchange words rather frequently. I was very sorry for the experimental subjects. Above all, because they were not free; and I found myself in an uncomfortable position because I had the feeling that I had done them harm. I do not wish to minimize in any way the pain that they must have felt. They certainly were in pain. As much pain as one has with an inflammatory disease; but whatever I could do to mitigate this pain I did, both as a human being and as a physician. At least, I attempted to. In changing these dressings and speaking to them briefly, I never had the impression that these were experimental persons who had been forced to participate in the experiments as has been stated here. The relations that I had with these persons were not essentially different from the relations that any physician has with his patients.

Q What was Dr. Oberheuser's position in connection with these experiments?

A I had not known Dr. Oberheuser previously to this. I saw her for the first time in Ravensbruck camp. She was really in the background there. I cannot recall precisely when it was, but at a later time she came to my attention. I knew of her - that she was in charge of the station, in which the experimental persons were kept after the operation and during their convalescence. Really, she had nothing to do with these experiments in the real sense of the word. She

took no active part in them, but when the experimental persons came to the dressing station she accompanied them, and so far as I am informed, previously examined the experimental subjects who had been chosen for the experiments by authorities in Camp and the SSPA. She told me in individual cases about these patients; that there were no objections on the basis of her physical examinations of these persons to their receiving an anesthesia, but this she was commanded to do by the resident physician and over and above that she did nothing that served these experiments in any way. She simply accompanied these patients to the dressing station, acted as a nurse during the changes of dressing, if I asked her to, and did various assistance of one sort or another during the inoculations, but it was of a completely subordinate nature such as holding the leg still or something of that sort. However, in the actual carrying out of the experiments she participated in no way. I had, in general, the impression that the experimental subjects liked it if Professor Oberheuser was present at the change of dressing, and it was a clinical rule of ours that we carried out a change of dressing on woman always in the presence of other women, or another woman, and, for this reason also, it was pleasing to me that Dr. Oberheuser should be there playing an altogether passive role. She did not play an active role ever.

Q Did Dr. Oberheuser have anything to do with the choice of the experimental subjects so far as you can judge?

A. So far as I can judge, no more whatsoever. She simply told me that she had given a physical examination, an X-ray to the persons chosen for the experiments. She had seen to it that they were bathed; that their temperatures were taken before; that the legs were shaved, and the other jobs that fall to a nurse, but she took no part in the choice of the experimental subjects beyond this, as far as I know.

Q Did you have the impression that Fraulein Dr. Oberheuser had a scientific interest in the experiments herself? I mean, all that she is a specialist in venereal diseases.

A No, I never had the impression that she had a scientific interest in the experiments. She simply took part in them to the extent that she did it because the experimental persons belonged to the station of which she was in charge, and had to take care of them because of that. The therapeutical care of the venereal problems in the camp, which was her field, had, of course, nothing to do with these experiments.

Q Did any of the experimental persons complain to you about Dr. Oberhauser?

A No, that never happened. I have already mentioned that, on the contrary, I had the impression that the experimental subjects were happier to have Dr. Oberhauser present than the camp physicians. I had the impression that Dr. Oberhauser had a human contact with the prisoners in the camp, in the same way that a woman can speak more openly with a woman.

Q Did Fraulein Oberhauser have anything to do with the scientific evaluation of the results of the experiments?

A No, she had nothing to do with this either. That was a matter which Professor Gebhardt and I carried out alone. She did not take part in it, nor was she asked to by us.

Q Did she, in May of 1943, take part in the conference in which these sulfonamide preparations were reported on?

A No, she did not take part in it. That was a Wehrmacht matter, and she had nothing to do with it.

Q Did you yourself have any personal relations with the doctors in Ravensbruck Concentration Camp, or with the other personnel there?

A No, no relations at all. I worked and lived entirely within the circle of Hohenlychen, and it was not a pleasant task for me to go over to Ravensbruck. At Hohenlychen I had the same tasks I had had previous to when any of the experiments started— ambulant patients and so on, and only between 2:00 and 4:00 in the afternoon, namely the time when there was a pause in our clinical work, did I have time to go over to Ravensbruck. I have already stated that I was always announced beforehand. I simply changed the dressings, as ordered, and then returned immediately to Hohenlychen and to our clinic. I never had any personal touch with the personnel or the doctors at Ravensbruck.

Q I come now to the Prosecution's point that concerns itself with the experiments regarding bones muscle and nerve regeneration and transplantation of bones. Did you carry out these or similar experiments?

A No, I did not carry out such experiments. So far as such experiments

were carried out, they were carried out by Dr. Stumpfegger, and I shall speak later of the way in which I assisted him.

Q Did you know Dr. Stumpfegger personally, and what was his position at that time?

A Yes, I did know him. When I went to Hohenlychen in 1940, Dr. Stumpfegger was Chief Physician of the clinic (Oberarzt), and had been so in peace time. He was considered one of the most skillful operators there. He was a very active and inconceivably industrious person. Then in the year 1941 he went to the front. I also know that his home town was the same as Himmler's, and that he was a very good friend of Himmler. The relations with Himmler were, as I heard, particularly characterized by the fact that he had become very early a member of the Youth Organization, that Himmler led, and that for various reasons Himmler thought very ill of him and promoted his career. Since 1940 Stumpfegger's contact with the clinic was loose and became looser as time went on.

Q Did you know about his experiments exactly?

A No, I did not know of them previously. I was present when after Stumpfegger returned from headquarters, Gebhardt called several of us together and told us that Stumpfegger had been commissioned with a job in Ravensbrueck by Himmler, and he told us that it was Stumpfegger's wish that I assist him. I always made efforts at that time to avoid being an assistant, and since it was Stumpfegger's inclination to do all this work alone, I succeeded in this case. We went over a couple of times in the same car, and while I was changing dressings in one room, Stumpfegger was carrying out his operations in the other operation

room, [illegible] room. I knew only [illegible] that it was [illegible] tissue. I did not concern myself [illegible] further. It did happen at times when [illegible] operating in one room [illegible] changing dressings in the other, that he asked me, [illegible] physician or someone else, to come over to help him put on a plaster cast. Putting on this plaster cast took place after the operation, [illegible] carrying out a second operation, and took place in the plaster cast room, [illegible] to the wound dressing room. I also did put on plaster casts on his patients, on his request. I should mention that putting on plaster casts demands a special technique, in order to fit well, and [illegible] Hohenlychen was of the opinion that I was particularly competent in this technique. I assume that it was for that reason that he asked me to put on the plaster casts, rather than someone else.

Q. The following question, Mr President, relates to a document submitted by the prosecution, an affidavit of [illegible] Dr Gustav Winkowski, Document NO-865, prosecution exhibit 231, in German book 10 of the Prosecution, English, page 76. In this affidavit it is stated that the witness had seen you with a patient with a gangrenous [illegible] amputated leg. Did you have to amputate a leg?

A. I also [illegible] of the [illegible] within the framework of two or three operations at Ravensbruck. I do not carry out such an amputation now. I know that anyone else. The witness must be in error and I believe that the witness here [illegible] probably clarified to a certain extent on her part; namely, the confusion [illegible] the [illegible] author with whom [illegible] amputated leg. [illegible] Dr. [illegible].

Q. [illegible] witness, Dr. [illegible], [illegible]

A. [illegible] of a patient [illegible] osteomyelitis. I never [illegible] osteomyelitis, or [illegible] did. However, [illegible] so far as I know, there were [illegible] in the course of the [illegible] I [illegible] group in which the vertical

part of [illegible] involved in the shooting since Dr. [illegible] was in charge of the X-ray department and was [illegible] in the X-rays, I [illegible] that's [illegible] is talking about is a consultation of this sort.

Q. I come now to the ladies [illegible], [illegible] the explanation of a possible claim [illegible] patient in Honolulu. [illegible] have heard Dr. [illegible]'s testimony on this subject. Do you [illegible] to that testimony?

A. Yes, [illegible]. This case [illegible] to be quite different from what professor [illegible] describe it; but I believe that in [illegible] I saw it from a different perspective. [illegible] the entire preceding discussion [illegible] of the problem I knew nothing. I must say something first in order to describe what my situation was. It was not [illegible] in Honolulu, and to my knowledge, if treatments were taken by the [illegible] operations [illegible] were within H-Honolulu's special field in [illegible] nearby, [illegible], operations on limbs, [illegible] etc. In these operations [illegible] patient, on [illegible] operation, was [illegible] by the hospital to which [illegible]. [illegible] then went to the hospital [illegible] and found that the situation, from a medical point of view, was perfectly on the up-and-up. This was severe trauma on the were especially [illegible] the internal hemorrhage. Correctly, the problem of reconciling [illegible] a problem which was of concern in [illegible] the subject [illegible] of [illegible] concern to us at that time. [illegible] all of us gave much thought to how we could [illegible] out in this field. Professor Schwartz [illegible] the basic policy — [illegible] the two: the conservative method of surgery, in which the first medical physician, Schulz, [illegible] in which [illegible] third meeting of the consultation [illegible]. He also [illegible] relationship in connection with this problem [illegible] well [illegible].

The above-mentioned Schultze, for example, developed a forearm prothesis through which he hoped to be able to develop a controllable or readily movable artificial hand, to be adjoined to the running stump of the forearm; and I myself was also working on artificial limbs for legs, where the danger of the legs collapsing under the patient was to be avoided by the intervention of an automatic or controllable breaking, and the rehabilitation of limbs was investigated from another point of view, namely, the plastic surgery, and Professor Gebhardt with his active surgical orientation turned particular to this approach. Gebhardt felt himself to be the pupil of his teacher, Lexer, at this specialty of Hohenlychen. Legs operated on are then provided with the necessary equipment to work independently again, but this also was no scientific solution, so that the search for other solutions continued, and in this search Gebhardt and others at the clinic turned to work that Professor Lexer had done after the First World War, at least that is the way he described it to me, namely, the free transplantation of limbs or part of limbs; and in Lexer's book the surgery of restoration and in the book on the free transplantation of limbs chapters are devoted to this subject. We In Hohenlychen had not carried out any such operations heretofore, and the assistants were allowed to pursue the problem of rehabilitation in their own way, and with their own approach. In the time after Christmas 1942, namely after the Ravensbruck experiments had already been concluded, and I had not been there for some time, Dr. Stumpfegger reappeared in Hohenlychen at the occasion of Himmler's Christmas visit, and in a way that I did not know about at the time the question of the free transplantation of a leg was discussed. We had the impression that Dr. Stumpfegger was the person who embraced this idea most enthusiastically. Then, as far as I remember, shortly before New Years there was the notice on the bulletin board, on which operations for the next day were announced, that the third or fourth operation on the next day would be the free transplantation of a shoulder blade, and in the way Lexer had described it in his book "Free Transplantation". Dr. Stumpfegger was assigned to this experiment and other assis-

tents, but I was not. I discussed this problem with the other members of the clinic. We discussed the prospect of the biological reaction to be expected. We also asked Dr. Stumpfegger from whence he was to take the shoulder blade and what the whole situation was, and he answered it was his intention to take the shoulder blade from a shoulder blade that did not function altogether perfectly because of the previous amputation of a hand. On the next morning I was in the operation room and in the adjacent operation room the Ladics operation was being prepared. Ladics then was wheeled in and the Chief Physician came in, started washing his hands and preparing himself for the operation. He then came into the operation room in which I was working and said that a change had become necessary, for which reason I would have to go to Ravensbruck immediately to get the shoulder blade. Stumpfegger would telephone so that everything would be ready when I got there. I saw that Ladics was lying on the table and ready for the first incision, and it was necessary that this shoulder blade which was to be transplanted did not suffer any drop in temperature. I was given a container which would see to it that the shoulder blade did not cool off during the 10 or 12 minute journey. I then asked hastily what technique I should use and was told to use Dr. Lexer's technique, the diagonal cut across the shoulder blade. I then climbed into the car that stood outside, went to Ravensbruck, and found a patient prepared. The camp physicians had already washed and dressed for the operation. I took off my second surgical apron, washed myself, tried out the incision as told by Lexer, cut out the shoulder blade with my own instruments, which I had brought along, stopped the flow of blood, then turned the patient over to the camp physician. Then I put the shoulder blade in a sterile container, put the whole thing into the container I had brought along, which had a temperature of 38 degrees, and returned to Hohenlychen as rapidly as possible. I then gave the shoulder blade to Dr. Stumpfegger, who had now got the patient to the point where it could be inserted.

Q. There was a mistake in the interpretation to the extent that the interpreter said, "Transplantation of a leg was discussed", but you did

not make any such statement, did you?

A. No, I did not.

THE MARSHAL: The Tribunal is again in session.

BY DR. SEIDL:

Q When and where did you work on the results of these experiments?

A That was during the months of January and February, 1943. I was called to Berlin to the State library in order to evaluate the results of these experiments. I also went to the pathological institute of the Rudolf Virchow Hospital in Berlin. During these two months I worked on the evaluati of the results of these experiments.

Q Then together with Professor Dr. Gebhardt you attended the Third Meeting at Berlin, May 1943, at the Military Medical Academy? You heard the testimony of Professor Dr. Gebhardt regarding that point, and I am asking you whether you have anything to add to his statements regarding that point.

A With reference to the results of these experiments, I should like to say the following: the scientifically unsophisticated question, as it came up through the medical situation has already been dealt with in the previous description of the experiments. We saw there was a wish and the hope to get a drug, with which one could treat wound infections from the start and could prevent any development, but this was not accomplished. In order to give an answer to that question, we tried to find out as quickly as possible.

Professor Gebhardt and I believed that this answer would be of great benefit to troop physicians and surgeons at the front. Secondly, the problem of sulfonamide was not exhausted with the answer to that question; the problem was much more difficult.

In addition, we could find an answer to yet another question. One group of the research workers, the bacteriologists and chemists, had found out that all micro-organisms as they belonged to plants were bacteria, and these bacteria all reacted to sulfanilamide. That is something that does not originate from us, but was a statement we knew of. Spirochaetes and protozoa were not sensitive to sulfanilamide, and we didn't find that out either.

It was to be expected that those diseases, which were caused by bacteria, would give us a certain amount of chance to be influenced favorably by the introduction of sulfanilamide. The clinical observation from all fields

of clinical science taught us, however, that that was not so. We saw symptoms of diseases where the curative effect of sulfanilamide was extraordinary, and, unfortunately, we had to observe that there were other diseases and other clinical experiences confirmed that, where we saw no effects whatsoever.

Originally it was thought to explain this difference in effect to a difference in the cultures, the bacteria cultures; but there were various symptoms of diseases which showed that the reason cannot be alone in the bacteriological difference, but that other factors played a role, too.

As a test case for this conception, we saw the symptoms of gonorrhea which once comes out as gonorrhea acuta anterior, and there we saw the good curative effects, and which on the other hand, was completely resistant to sulfonamide if the same virus showed their origin in the liver or in the prostate.

Through our observations, and through these experiments, we thought that we had found an explanation for that, together with other clinical conclusions, which we arrived at. We could prove that inflammatory diseases caused by bacteria can be cured by sulfonamides when the inflammatory process is got on in such a manner that sulfonamide is brought to the virus by way of the blood. However, we found that any success cannot be achieved, when the same virus, the same type of infection, would show its infection in the way of an abscess, so that the sulfonamide cannot be applied to that local area by way of the blood.

In other words, the therapeutical effect can not always depend on the difference in the bacteriological cultures, but that they are structural conditions of the tissues, sometimes we call them morphological conditions, and that these conditions could also be the cause for the failure of the sulfonamide. We could prove that the connection between the inflammatory area and the necrose, we could find out in that case there is no blood channel between the abscess and the tissues. This was next to the military technical result, the second result of a scientific nature. We on our own initiative continued to develop that thought. We were not in a position to draw any conclusions from that, and I know that was also the motive of Professor Gebhardt, because we wanted to free ourselves under all circumstances from the obligation to carry out any further experiments. That is why we only carried out these experiments on dead tissue of plants. The idea was that was that we said to ourselves that if there can be no therapeutical effect in the case of abscesses, because the sulfonamide cannot penetrate to the center of that abscess, since there is no blood channel, then the next thing would be to consider how to overcome those limits therapeutically in order to apply the necessary concentration of that drug, even into the inside of the abscess; and at that time we developed the thought of the so-called iodophoresis, whereby we used electrical current in order to penetrate the limits of the tissues therapeutically by way of current. During that third meeting only the first two points were discussed. Professor Gebhardt, in his introductory words, as far as I remember, spoke in the same way as he spoke here. In an affidavit at one time I expressed that as far as I remember he had spoken of the political responsibility. I cannot maintain that assertion. I think it was true as he stated it here. He said at first that he was carrying out these experiments by order of Himmler and Hitler and that we were concerned with people who had been condemned to death, who thereby would get a chance of being pardoned. Whether the concentration camp was mentioned, whether the name of the concentration camp was expressed would become a question under discussion here. I shall now endeavor to remember that, and I am not in a position to say for certain whether he

said

expressed the name of the camp or not. I do not want to make any certain assertion here or answer that he did not mention the voluntary nature. He did not say we were concerned with voluntary experimental subjects. During personal conversations with me I learned that he could not believe in the full ethical voluntary nature, and that he, therefore, didn't want to mention that question.

On the basis of the fever charts and a collective chart in the course of the experiments which have been demonstrated, it resulted therefrom that in the case of fifteen patients no symptoms occurred, and that in the case of thirty-six, only local disease symptoms occurred, and therefore, these two groups are only mentioned very shortly, and the results were demonstrated in collective curves. In greater detail the other 24 were discussed, that is as far as it was necessary, in order to evaluate the results. I should like to state that this is the group which Professor Boettcher remembered when he was speaking about a group amounting to approximately 20 persons. From these charts, it could also be seen that 12 persons from these 24 only showed local diseases which were not dangerous, the chart showing furthermore that three patients died, and we could further see from the fever chart how their temperature progressed and what kind of treatment was used, namely, whether sulfanilamide was introduced by way of the blood or whether it was introduced locally. It could also be seen whenever a change of dressing took place. These matters were only demonstrated during the survey of twenty-four where the progress was more difficult. I made this clinical report after Professor Gebhardt's introduction. Then Professor Gebhardt again spoke and summarized the report. He pointed to the practical evaluation and thereupon a discussion followed. I heard no critical utterances during that discussion. I heard no critical objections at all during the course of the entire meeting. I am asked no statement how the final report was compiled in which the directives were contained. I can only say afterwards and that in reference to the objection of the Prosecution with reference to the evaluation of the results within the directives, that a certain psychological or medical theory has to be taken into consideration. The physician and medicine in

no country of the world can dispense with therapeutic treatment even when it is not very clear about it's effectiveness. There is a Latin Proverb, "Ut aliqui fiat" which means that something has passed, and up to today this is the prompting factor of any therapeutical treatment. Therapeutics have to be used also when one is not quite convinced in what manner and to what extent it would cure. If at that time we have learned, and I think it will show clearly, is an absolutely preventative drug, then in the first sentence of the directive it would have say: "Under all circumstances in the case of every wound sulfanilicide has to be introduced." That would have given us an absolutely clear directive. In that case, however, where the result was by no means so clear and where it was shown sulfanilamide cannot always act as a preventative drug, this result was fully crystallized from the results of the experiments in the first portion.

In spite of that physicians should not have concluded from that any prohibition of the use of sulfanilamide. That would have lead to a great disagreement in all circles of physicians and would have shaken the confidence in any physician. The situation was then even in a case where the limited effectiveness of sulfanilamide was clearly shown, and especially with reference to wound infections, that in spite of that the mechanical therapeutical treatment was suggested to the practicing physician as an additional treatment, but in addition by way of a certain drug he had to be told that he considered giving this mechanical, therapeutical treatment his full confidence, but that was merely an additional kind of treatment, in addition to the right main surgical treatment.

Q. In that case it was completely clear to the Troop physician, who acted in accord with these directives, that thesurgical treatment must always be in the foreground of his measures, and that there is only a chemical therapeutical way of treatment in the use of sulfonamide?

A. Yes, that is correct. In that way it was expressed that surgical therapy was the fundamental therapy and he was by no means prohibited to use chemical therapeutical treatment but it was merely suggested to him that he may use it as an additional means of treatment.

Q. On 27 January 1947 you made an affidavit which I have submitted here as Gebhardt Exhibit No. 8. Is it correct to say that in this affidavit everything is summarized in a concise form which was considered to be the scientific result of these experiments at that time?

A. Yes, that is correct.

Q. I nowturn to your career within the Waffen-SS. What were the ranks which you held within the Waffen-SS and at what time did you hold them?

A. I entered as a reserve man, as an SS man. That is, private in the SS. After a period of training I was promoted to Untersturmfuehrer by reason of being aphysician. In November 1941 I was promoted to an Obersturmfuehrer in Russia and then, according to my age and according to my position as a physician, I was promoted to Stabsarzt at the end of 1942, as Captain in the Medical Corps, which was the main job. I was active during the last years holding that rank and then had a position with the Tenth SS-Panzer Division Prunsberg in accordance with that rank. After being wounded I was promoted by suggestion of Professor Gebhardt to Sturmbannfuehrer. As Sturmbannfuehrer I held no real office but transferred to civilian service after leaving the hospital and as such had no SS service relationship whatsoever.

Q. Did you gain any advantages from being with the SS?

A. I received no money from the SS I received no pay from them

either. During the entire War I was paid from the Rudolf Virchow Hospital in Berlin as a City employee and that up to the last day of the War.

Q. Did you at any time have any political tasks in the SS or in the Party?

A. I had nothing at all to do with the Party. I never attended any Party meeting or any of their functions. I was never very clear about my party membership and only here during an interrogation did I hear that I had a certain number as a Party member. Before that I had not known that. I only had the task in the Waffen-SS which came to me as a physician and I was never obliged to fulfill any political tasks whatsoever.

Q. You are one of twenty-three defendants. Which one of the other defendants did you personally know in July 1942?

A. In July 1942 I knew Dr. Gen_Ken, the Chief of the Medical Service of the Waffen-SS. I don't know whether he knew me. And, I also knew Professor Gebhardt. I know no other of the defendants.

Q. I think a mistake was made. I asked you about the year of 1942. I think it was translated 1943.

A. Yes.

Q. I was speaking about the beginning of the experiments.

A. Yes, before the beginning of the experiments I only knew Dr. Genaken and Gebhardt.

Q. Mr. President, the next question refers to two affidavits which were presented by the Prosecution and which originate from the Defendant Dr. Fischer himself. They are contained in Document Book 10. The first is the affidavit dated 19 November 1945, Document NO-228, Exhibit 206, which is on page 1 of the English Document Book No. 10. The second affidavit also originates from the defendant Dr. Fischer from 21 October 1946, NO-472, Exhibit 234, which can be found in the English Document Book 10, page 96. You know the contents of these two affidavits and I am now asking you whether you have to make a statement and explanation with reference to the contents of these two affidavits?

1. The affidavit dated the 19th November, 1945, was made here in Nurnberg. It was taken down and signed by me in the English language. Before signing this affidavit I read it and signed it and recognized it. However, I did not choose the formulation of the affidavit. It was presented to me in that manner. This affidavit was based on preceding interrogations which were also held in Nurnberg during the months of September and October. These interrogations, in turn, were preceded by a series of first interrogations which were made in the British Zone by the British CIC. This was done by a female official in the British Zone. She was the very first one who interrogated me with reference to this entire complex of questions. In order to supplement my own statements she showed me the entire testimonies to that point and told me that these were the statements made by Professor Gebhardt. All this happened after the collapse and everything that was connected with it. It was the first time that I again heard of all those events and it was the first time when I had to try to reconstruct the entire events as they took place at that time. That is how it is that I feel obliged now to withdraw the various points which I made at that time because I am not in a clear position to remember exactly what was written down and what was said at that time. The female official who, at that time, conducted the interrogation and who knew a certain number things about the situation in Ravensbrueck is Mr. Carmen Morey who was in the defendants' dock when the Concentration Camp Ravensbrueck was on trial. I had already mentioned before that I cannot say, with certainty, that he said something about a political responsibility-that is, Professor Gebhardt - when making his introductory speech at the Congress. I further say that I cannot remember that we were concerned with people who had been condemned to death and who had come from a concentration camp. In the same manner I have to correct myself with reference to a correspondence which, according to my statement, was carried on between Professor Gebhardt and Professor Mrugowsky. At that time I made statements according to my best knowledge. I know that there was correspondence between Hohenlychen and the Hygienic Institute of the Waffen-SS with reference to the cultures which had to be furnished.

As far as I remember, I saw a signature at that time and I believed that was Professor Krugowsky's signature. I have now here seen the signature of Professor Krugowsky and this signature, compared with the other signature, differs. So this, of course, made me doubt my original statement, and I cannot now make any exact statement about it. With reference to the second affidavit dated the 21st of October 1946, this affidavit was preceded by an interrogation which was conducted in English without the aid of an interpreter. I tried very hard to answer the questions and to follow the proceedings. I was of the opinion at that time that I succeeded in expressing myself clearly in the basical questions. The interrogation took place on the 12th of October. On the 21st of October a formulated affidavit was presented to me which referred to the preceding interrogation. I asked the gentleman who presented this affidavit to me to remove some obvious misunderstandings. He was of the opinion, in the case of some of them, however, that I had actually expressed myself in that manner during the preceding interrogation and he assured me, at that time, that at a later date I should have the opportunity to give an explanation in regard to these matters. At that time I said -and this is most important - that according to my information the experiments had to be done in the interest and in the service of the German Wehrmacht and he concluded from that the sentence which I withdrew from a later affidavit also to the effect that there experiment was an order which emanated from the Chief of the Wehrmacht Medical Service, Professor Handloser. I should like to correct that once more. It was only my intention to express that I was told in the year of 1942; namely, that we were concerned with a matter which was for the service of the German Wehrmacht. With reference to one point, I think that he was erroneous and I think that was the point where I say that Professor Handloser and Professor Brandt were guests at Mohenlychen at the occasion of the Tenth Anniversary. I am quite clear in my mind now that I was mistaken at that time and that I was thinking of the Fourth Meeting of the Consulting Physicians. When the affidavit was presented to me, I also asked that one sentence be struck where it was mentioned that Professor Schroeder had attended the Third Meeting. I succeeded in getting these passages struck out temporarily, but afterwards it was put to

me that I had said that the Chief of the Medical Services or his representative had been present and Professor Schroeder was considered to have been his representative and that is how this sentence remained in the affidavit. In the same way a sentence had already been readily formulated from which it could be concluded that Professor Poppendick had been present as far as I remember and that Professor Poppendick had the position of a chief of staff with Dr. Gravitz. This formulation was there but I actually did not know Dr. Poppendick. I didn't know his position I only knew that he was an Oberfuehrer-held the rank of Colonel - and worked with Gravitz, and I therefore assumed that the formulation, as it was presented by the prosecution, was correct. With reference to the presence of Professor Gonzkon, I should like to say the following. As far as I remember, - it is very difficult to remember because many people were there- I think Professor Gonzkon was one of those present. However, I am in no position to be very decisive about it - affirm it or deny it. The picture is far too vague to do that. Since it results from the testimony of the witnesses that Professor Gonzkon was in Karlsbad, I cannot maintain my assertion with reference to his presence.

Q. What did you do after leaving Berlin and Hohenlychen after this meeting in May 1943?

A. During that entire period I had always volunteered for service with a division. Dr. Gebhardt had told me that immediately after my participation in that meeting during which our experiments had to be reported I would be transferred to a division. On the following day I transferred to the 10th Panzer Division and I assumed the position of a first surgeon in a medical company with that division. I was active for a year and a half with that division, until, in August, 1944, I had to go back into the home country because of being wounded. I spent three months in the hospital and, since I was no longer in a position to exercise the profession of a surgeon, I had to retrain and went as an assistant to the Charite at Berlin at the institute for X-ray and radio and, up until the collapse, I was active in that institute.

Q. Did you every enter any camp after the experiments in Ravensbrueck in the year of 1942?

A. No, I later never entered any concentration camp.

DR. SEIDL: Mr. President, I have one more question to put to the witness, a question the answer to which will take some time, and I ask for permission that I may put this concluding question after the mid-day recess.

THE PRESIDENT: The Tribunal will now be in recess until 1:30 o'clock.

(A recess was taken until 1330 hours - 12 March 1947.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 11 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

FRITZ FISCHER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, during the last months you have experienced during this trial, what went on during the trial, you heard the indictment and have now described your participation in these experiments. I ask you now to tell the court what - after the prosecution has presented its case and after you have made your own statement - what you have to say about the subject of the indictment, so far as it concerns yourself.

A. First of all, I regret that fate compelled me as a physician to offend against the basic principles of medicine, and I regret that men are appearing to testify against me, that I did not help them but did them injury. Further, I particularly regret that these persons were women. I have learned that a deed, if it is committed and later is adjudged, must be adjudged according to the motives and the circumstances that surrounded it. That the motive that lay behind the activities for which I am here on trial was exclusively that of helping wounded persons. In that uniquely difficult period I wanted to help the millions of wounded persons. The act was committed by me as an obedient member of the German armed forces. The belief and confidence in the legal jurisdiction of the state and the Fuehrer seemed to me to provide legal protection and justification for what I did. This is in reference to what I said previously about individual responsibility.

During this time in which my people were fighting for their very life, in a period when the final decisions were about to be reached, I believed I was not a member of the resistance movement and that the state had the right to take measures that lay beyond the competence of the individual. In that time when 1500 persons were falling daily on the front and in which

several hundred died daily in the homeland as a result of the war, this obedience to the state seemed to me the highest ethical duty. I was of the opinion that the experimental subjects who stood under German law and faced certain death were being offered a human opportunity to save their lives, and I believe that under such circumstances I wouldhave seized on such a chance myself.

These actions took place not in 1947 but in 1942, during the war, at the very height of the war. At that time in my conclusions I was not a free civilian physician but I was - this is the way I felt - that I was, as I say, a medical specialist who acted only as a soldier with the duty of obedience. When I received these orders which were antagonistic to my inner feelings, I found myself confronted with a gigantic authority. This authority was the state, represented by Hitler and, on the other hand, and in supplementation to that, a medical authority that had an international reputation. This authority, namely, Dr. Gebhardt, whose life work I knew, was a person who inspired me with confidence. If he decided to carry out these experiments as necessary experiments, then perforce I must believe that they were necessary and I was also told by him that in the life of the human being, and in the life of a nation, situations arise in which the individual is under obligation to stifle his inner objections in the interests of the community.

I cannot believe, even today, that his were motives other than those under which soldiers act on the front when under orders they committed acts which as independent agents they would never have committed, and which were against their innermost and personal feelings. I believe that the situation is analogous. I believe that my situation was the same at the time, the same situation in which the individual soldier fires a torpedo against a ship and another soldier is under orders to drop bombs on an unprotected city. Here again I cannot believe that they are individuals who are acting in accordance with their individual instincts. Rather I know that they too had to overcome their innermost objections and felt themselves to be justified in what they were doing through the fact that

they were acting under military orders. And, secondly, through the feeling and persuasion that through this act they were in a larger sense acting ethically, namely, to the extent that they were contributing to the victory of their own people and nation. The more extended discussion regarding what is permissible and what not cannot, in my opinion, be expected of a subordinate. Rather, those in charge must decide on such matters.

During the war I had the experience that this form of obedience or rather obedience in general was not a specifically German phenomenon but that it was characteristic also of the nations with which we were at war. To what extent differences arose in the interpretation of this point, I do not know, but those gigantic authorities, the State, with its soldierly sense and demand for obedience and, on the other hand, the personality and medical authority of Gebhardt were the reasons that placed me before the alternative either of disobedience in the war or obedience. And faced with this alternative I saw disobedience as the worse one.

Today one sees other aspects; among other things one sees that those basic requirements in which we believed have proved today to be empty; and one sees that many of the men who were leaders at that time and to whom we looked up, even at that time had misgivings and did not see authority in the same way as we subordinates did. At that time I did not know this and could not know it. The basic evil in the whole occurrence lies, as I see it today, in the sanctioning of war, per se, since in war, law is perverted and distorted; the law under which mankind stands is perverted to its antitheses and as it happens that in the present of the individual, the law of peace conflicts with the law of war, according to which he must be obedient. I belonged to a youth that believed in the duty of the individual to the State. We at that time were ready to sacrifice the fear that we felt as human beings, as creatures, to overcome our inner weakness and to put into the background all the hopes and aims that we had for the betterment of mankind and to place in the forefront our desires to be loyal and to assist mankind. In other words, we accepted the law of the community instead of the law of the individual, and it is through this that we came into the unfortunate situation which we now find ourselves. I simply wish to emphasize that our movement did not happen on the motive or cruelty or any such base motives, but that it happened exclusively and only in order, within the framework of our State, to serve this State and its citizens. Now that this war is ended, I myself have only the wish that it may be the last one so that at last mankind may have the opportunity to do away with war, once and for all, and to pursue the law of the individual in peace, for the betterment of all.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: Are there any questions to be propounded to the witness by defense counsel?

BY DR. FLEMING (Counsel for the Defendant Krugowsky):

Q. Dr. Fischer, this morning, at the conclusion of your testimony, you said that you could not say for certain that the letter which you mentioned in your affidavit, from Krugowsky, had really been written by Krugowsky. In order to clarify this fact, I should like to ascertain the time when this letter was written. For this purpose I ask you to reply to the following questions. In the experiments on human beings, were little pieces of lead

or wool used?

A. No.

Q. When were such little fragments used for the first time - in the first or the second series?

A. In the month of August, in the case of the first series.

Q. The first group of women was on the 1st of August. The next group was on the 14th of August. And it was at those times that they were operated on?

A. You cannot say that so precisely, because they overlapped a bit.

Q. When were these little splinters used for the first time?

A. At the beginning of August.

Q. Co-defendant Gonzken said in the witness box that Gruppowsky was not in Berlin from June to the end of August, but on official trips. Do you recall that?

A. Yes, I do.

Q. Accordingly, a letter written at the beginning of August, in Berlin, could not have been written by Gruppowsky. If that is not the case, if the letter is not from Gruppowsky, do you have any reason to believe that Gruppowsky knew anything of the gas experiments?

A. No. That I know I have already attempted to say. So far as I remember, Professor Gebhardt spoke to me of a letter from the Hygienic Institute, or it could have been from Gruppowsky's Institute. It is too difficult for me not to clarify that here. I have no other reason to believe in Gruppowsky's participation or knowledge of these experiments.

Q. I have now another point. You recall that the witness, Wolbiste, testified that Veronika had died of tetanus. Professor Gebhardt has already testified that tetanus bacilli were not used. What do you know about this?

A. I know for sure that we did not use any tetanus bacilli.

Q. Did Veronika Kraska...was she operated on simultaneously with other girls?

A. Yes.

Q. And none of the others had tetanus symptoms?

A. That is right.

Q. Were they all inoculated with the same bacteria?

A. Yes.

Q. Then in the case of Veronika Kraska, if tetanus did occur, it could only

have been a spontaneous infection?

A. Yes, that is so.

DR. FLEMING: I have no further questions.

THE PRESIDENT: Are there any other questions on the part of defense counsel? If not, the Prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. HARDY:

Q. Dr. Fischer, in the course of this cross-examination I want you to limit your answers to the questions I ask and I am sure we will proceed much more rapidly. I also do not think it is necessary for me to warn you that you are under oath. Now we will proceed.

You first received orders concerning experiments on human beings in the Ravensbruck concentration camp in July 1942, is that correct?

A. Yes, that is correct.

Q. Those orders originated from Dr. Gebhardt, didn't they?

A. I received those orders from Dr. Gebhardt, yes.

Q. Now the purpose of the proposed experiments was to determine the effectiveness of sulfonamide, wasn't it?

A. Yes, the effectiveness of individual sulfonamide preparations.

Q. Now this matter was of considerable importance to military medical circles, I presume?

A. Yes.

Q. Many soldiers in the battlefields were victims of tetanus, weren't they?

A. Yes, that is so.

Q. Now, then, Dr. Fischer, wasn't it your understanding that these experiments were primarily for the benefit of the Wehrmacht?

A. Mr. Prosecutor, are you asking me about my personal opinion, or what Professor Gebhardt told me in the course of giving me the orders?

Q. I am asking you what your understanding was.

A. At that time I believed that it was a problem which concerned the entire German Wehrmacht.

Q. Didn't Dr. Gebhardt tell you at that time that the medical services of the Wehrmacht had made a report about the miraculous effect of sulfonamide in the

1942 meeting in Berlin?

A. No, in that concise form he did not. He merely told me that this was a problem for the armed forces and that this problem had not yet been decided by him personally in all its details.

Q. Professor Gebhardt actually went on further to state, didn't he, that the Wehrmacht should have made these experiments itself but that he was ordered to conduct them?

A. Gebhardt told me then that the Wehrmacht was also making efforts to clarify this matter but that he had received from Hitler and Himmler the order to take them up himself.

Q. Don't you recall, Dr. Fischer, in the course of one of the many interrogations in which you and I have chats, that you were told that these experiments were for the benefit of the Wehrmacht? I am not making now your understanding now. I believe you told me some time last fall that you were told by Gebhardt that these experiments were for the benefit of the Wehrmacht. Didn't you tell me that?

A. I believe you are referring to the interrogation which has already been brought up here. I said at that time and I say it today, that I had the feeling from Dr. Gebhardt that this was a task to be carried out in the interests of the German Wehrmacht.

Q. In fact the interrogation that I am referring to is not one that was conducted by Mr. Mayer; it is one conducted by Mr. Schimansky and me, in which you stated that Gebhardt told you, and I will quote, "that this is an order from the Chief of State, the Wehrmacht, and the Chief of the Medical Office of the State." Do you recall telling me that?

A. Yes, this is on the 12th of October, 1946. That was the interrogation in which I was about to speak English to you, and certainly this sentence was preceded by something, namely, my attempt to explain that this was an experiment under the formation of the Wehrmacht. Since my vocabulary in English was so limited I could only in the further course of this interrogation formulate the matter as I did in the interrogation, but I must say more that a precise order from Handloser or his predecessor, as Chief Medical Inspector of the Wehrmacht, that might have been given to Gebhardt, I was not informed of it.

Q. Now, the Heydrich matter was never called to your attention, was it?

A. Gebhardt told me nothing about the Heydrich affair. I heard about it only here in Nurnberg.

Q. Now, Gebhardt told you that the persons to be used in the experiments were concentration camp inmates who had been condemned to death?

A. That is true.

Q. Did you ever discuss the legality of using concentration camp inmates who had been condemned to death for such experiments?

A. How am I to understand or construe this word "discussed?" Whether I spoke with Gebhardt about it or challenged this position? I ask you to please repeat the question.

Q. I will rephrase my question. Did you ever discuss the legality, that is did you or Gebhardt ever have a discussion whether or not such experimentation on concentration camp inmates was proper under the law?

A. When I received this order I asked Professor Gebhardt not to appoint me to take part in it, but then Gebhardt assured me that these were legal matters which had the permission from the State, the orders which came from above and which I had to carry out. I must here refer to something I tried to say previously in my testimony, we were in the midst of the War in situations in which the individual if he found himself in a clear legal position, such as I found myself, since I was under the immediate orders of my superior and in which we could not discuss the matter any further, then what orders were, because it was our duty simply to obey and

to do what we were told to.

Q Now, do you think Dr. Fischer, that it is permissible to experiment on persons condemned to death without their consent?

A Mr. Prosecutor, you ask me not as Dr. Fischer, and as Fischer the person, this question. I acted at that time as the soldier Fischer, and in the situation that prevailed at that time many things occurred that I, as an individual did not understand and did not approve of, and consequently I can give you two answers to this question, depending on in what capacity I am answering.

Q Well, now as a doctor and a person do you think it is permissible to experiment on persons condemned to death without their consent?

A I hope that the time will sometime come in which man can act only and exclusively according to the law that rules in their heart. In the European state of affairs I should not carry out such experiments, but we all know that unfortunately, at least in the year 1942, there were situations in which the individual could not obey only his inner laws, but was subject to a higher command and a higher community, nor did his subordinate have an opportunity to argue along those lines. It was his higher duty simply to obey; and I have decided to point out to a similar and parallel situation, namely that which the soldier was confronted with, and I want to tell you the physician was confronted with the same situation. I know from many soldiers whom I know in my battalion and from others in the course of the War, they had to commit acts which they as individuals regretted, and which they as individuals would never have committed on their own initiative.

Q Dr. Fischer, if I understand you correctly, as a doctor, that is disassociating yourself from the position as a soldier, you do not think it permissible to experiment on persons condemned to death without their consent, is that your impression?

A Mr. Prosecutor, you are forcing me to say something which I argued against previously. As an individual in a free state I would not do that, no, but in such a vast event as a War the individual did not have an opportunity to fall from the ways of the State, or criticize them. There were situations in which the individual was compelled to subordinate himself.

I am fully persuaded that not every aviator that dropped a bomb, would not have dropped that bomb, had he been a free acting agent. His General had ordered him to drop this bomb, had told him "this is a duty you have to fulfill, you are not to question it. You are simply to be obediant," and I donot know whether you are being entirely just to a man if you leave out of consideration or minimize this process which goes on in an individual. So if you ask me again I must say again as an individual and physician I should not have done it.

Q You can recall the Polish girls having testified here they never consented to being experimented on; do you know of any of those subjects who gave their consent?

A No, I cannot give you a precise affirmative answer.

Q Have you ever talked to any of those girls prior to the experiments?

A No, I spoke to none of them before the experiment.

Q As I understand from your testimony all of those girls were under anesthesia when you arrived to perform the operations, is that right?

A When I entered the operation room they were already under anesthesia.

Q Didn't any of these girls ever come out of the anesthesia and ask why did you do this to me?

A Mr. Prosecutor, I have already told you in the course of my testimony how these things went on, and I also told my own counsel how these patients behaved. No such questions were asked of me by an experimental subject. I was as considerate as possible towards these Polish women. I was very sorry for all of them, nor did I make any efforts to conceal that fact. But actual resistance on their part so I could conclude they were being forced, that I did not observe. I did not concern myself with these matters any further for reasons that you will understand, then it was necessary for me to carry out the orders that I had received.

Q You say it wasn't apparent that these girls had been forced into these experiments; would you say then they were all happy they had been operated on?

A Mr. Prosecutor, you are turning my words to a false construction. I did not say that. I spoke of the concern I felt, the concern I felt for the pain they were feeling was much too great for me to be able to make any such statement.

Q Dr. Fischer, are you aware of what crimes these girls had committed at that time?

A I cannot answer that concisely, but before the end of the War I knew that they were members of the resistance movement. That I found out before the War was over, because in Mohylychen later a member of the resistance movement turned up and acted as a technical assistant. In this way I found out that they were members of this resistance movement.

Q Do you know whether or not they had been tried?

A No, I doubt. When I received the orders Professor Gebhardt told me that they had been condemned to death, but I never discussed this with any of the girls before I stood before this court.

Q Do you know where and how under German laws death sentences were executed?

A I can tell you nothing very exact about that.

Q. Do you maintain here, Dr. Fischer, that if these girls had been subjugated to these experiments, instead of being executed, the sentences would be reduced and they would be saved; did you know how German law could execute a pardon or a release of persons condemned to death if they were subjected to a medical experiment?

A. I am now being asked about matters that were outside my competence and vision at that time. Of course, I knew nothing about these matters, rather at that time I had the much less complicated notion and believed that these questions lay within the competence of the state in whose legality I believed. It was frequently told me that my participation was as an assistant, my participation was solely that as an assistant and it was not my function to analyze the legal situation. This was entirely outside my assignment. I believe I must protest if you want to subject me to the duty to know whether my action was legal. If I had undertaken these experiments on my own initiative it would be different, but of course that was not the case. My task was strictly limited like the task of any soldier who receives an order.

Q. Now, Doctor, is it true that these girls after having undergone the experiments were shot?

A. Of that I know nothing, Mr. Prosecutor.

Q. Now, we have introduced evidence here that these girls were not pardoned. Miss Szapulska, in her affidavit, which is Document No. 873, page 52 of Document Book No. 10 states: "On January 23rd two Polish girls, who were operated on, were shot."

Also you will recall that the witness Madka stated on page 1449 in the official transcript of this trial that six girls, who were operated on were shot; furthermore she stated that the plan, as laid in the Concentration Camp Ravensbruck was to wipe out, completely annihilate every girl who had undergone the Gebhardt and Fischer experiments; that does not appear that they had any intention of pardoning the girls or reducing the sentence to that of a life sentence; does it?

A. I did nothear your remarks as a question, but rather as a statement, I heard of the situation through the prosecutor's evidence here

submitted. I can assure you that at that time I knew nothing either of the shooting of the shooting or of the subsequent intention to exterminate them.

Q. In otherwords, you operated on these girls who had been condemned to death and it was expressed to you that such girls would receive their lives as a reward for being subjugated to these experiments and then you did not inquire as to the eventual outcome; did you?

A. I followed the only possible path; to whom should I then have turned? In my communications and reports, I turned only to Professor Gebhardt and I thought also that this was the most effective way because he was in a position to speak to the higher competent authority if necessary.

Q. That follows, Dr. Fischer, that you acted blindly on the orders of Gebhardt; is that right?

A. In this case I deliberately relinquished any initiative of my own and acted as Gebhardt's subordinate; that is true.

Q. Do you mean to tell us that merely because you were a military man at this time, if Gebhardt told you to go jump in the lake you would have done so?

A. Mr. Prosecutor, I was an obedient soldier.

Q. Alright; now Dr. Fischer who selected the subjects to be used for these experiments?

A. I was never present when they were chosen and can tell you nothing precise about it.

Q. Then the Camp Commander at Ravensbruck or the Medical Officers in the camp must have selected the subjects; did they not?

A. No, on the basis of my knowledge of the situation at the camp, I believe that the Camp Commander was told by higher officers, and I believe Gebhardt told me it was the S.S.F.A., who chose the list which was handed to him of the chosen persons and that the medical authorities of the camp, the camp physician or his deputy were simply to carry out the physical examination of these people.

Q. Well, now, isn't it true from the affidavits and evidence submitted here that Schiedlawsky, who was chief medical officer at that time, selected the inmates to be used; Schiedlawsky and his assistant, Camp Doctor Oberhauser?

A. I do not believe that that is the case, nor do I believe that that can be seen in the affidavits which have been here submitted. It seems to me that some authority above the camp made the choice or at least nominating those to be chosen.

Q. Now, Doctor, there were several girls in the camp; how does it happen that Rose Flata was selected? Someone must have picked her out to be the only experimental subject out of several hundred; who selected the girls that were used?

A. You are asking me to reply to a question to which I cannot reply.

Q. Now, those experimental subjects were allegedly given a medical examination prior to the operation; is that correct?

A. Yes, as far as I am informed that is true.

Q. Do you recall one of the witnesses here, I cannot state which girl off hand it was, who stated she did not receive a medical examination; she merely walked by Oberheuser and Oberhauser approved of her being used as an experiment; do you recall that, Doctor?

A. Yes, I remember that.

Q. In other words, you never concerned yourself with the selection of the people to be used as experiments or any of the pre-operative examination; did you?

A. I did not take part in those examinations. Mr. Prosecutor, I already indicated earlier that I received this order in addition to my regular work in the clinic, therefore, when I first came to the Camp Ravensbruck for the initial discussion, it was decided by Professor Gebhardt that I was simply the clinical observer there; I only had two hours at my disposal and that the clinical examination before and after was to be the job of the camp physician.

Q Well then you left all that work up to Schiellowsky and Overhauser and Oberhauser prepared the subjects for the operations; didn't she?

A Oberhauser carried out the preliminary examinations and then made the preparations for the operations; yes.

Q Now, you have stated that all of these subjects were under anesthesia when you arrived; Oberhauser administered the narcotics, didn't she?

A How that was in detail I cannot say, but it is quite possible that she did take part in it, yes.

Q Now, Doctor, in your affidavit, which was written in November, 1945, you stated that these bacterial cultures used in the experiments were obtained from the Hygienist to the Waffen SS: do you still maintain that they were obtained from the Hygienist to the Waffen SS?

A Yes, I know that is correct.

Q Now you are refuting the fact, as stated in your affidavit, that correspondence was carried on with Grupowsky regarding these cultures; is that right?

A So far as Grupowsky is personally concerned, I am in the following situation, Mr. Prosecutor. I must try to recall whether my memory is correct that this was correspondence with Grupowsky is really correct and accurate. I have already described the details which led me to the belief that I would have to withdraw from my statement in the affidavit. I seem to have a visual image of a signature and I believed that it was not correspondence with Grupowsky's institute, but with Grupowsky himself, but I am no longer in a position to state with the same definiteness as I did before.

Q Now, this affidavit, which you executed, was executed in November of 1945 before Major Monnigan. I am sure that Major Monnigan never heard the name Grupowsky before at all; was that not suggested to him by you?

A. Absolutely. I was of the opinion at that time that I would remember that name on that document but I must say that the Hygienic Institute of the Waffen SS was known to us generally as the Mrugowsky Institute. I did not know the name "Mrugowsky" simply from the signature, but I knew the name "Mrugowsky" as the chief of that Hygienic Institute. His signature was not my only point of departure for the belief that Mrugowsky was involved. I mentioned the name "Mrugowsky" to the interrogating officer in November, 1945, to be sure. It is correct what I was telling about the letter mentioned.

Q. At that time you had no idea you were going to be indicted, did you?

A. I did not have any precise notion as to what would happen to me at that time.

Q. All right, now, this particular correspondence that you refer to that had the signature on it that you now cannot recollect whether it was the signature of Mrugowsky, what was the gist of that correspondence?

A. So far as I recall, the subject of this correspondence was a discussion of the question how an inflammation in general and specifically a gas gangrene inflammation could be dealt with.

Q. Well, now, all this occurred after the first two series of experiments, as I understand it.

A. This happened after the first fifteen persons, yes.

Q. Well, now, your need for these glass splinters and cultures arose when it became apparent that up to that point the inflicted wounds did not simulate actual battlefield wounds, is that right?

A. You stated it a little too broadly. When we saw that the inflammation that arose in the first experiments really was not an inflammation at all, consequently it was no effective test of the effectiveness of sulfonamide.

Q. Now, Dr. Fischer, was there a bacteriological department at Schonlychen?

A. No.

Q. Did you have any facilities at Hohenlychen to prepare bacterial cultures?

A. No, there was no way of doing so.

Q. In order to obtain the cultures which were used in your experiments, was it not necessary that they be obtained from a bacteriological or hygienic institute?

A. Yes, that was necessary.

Q. And, in fact, was the Hygienic Institute of the Waffen SS headed by Grugowsky which supplied the cultures?

A. Yes, it was that institute.

Q. These cultures were potent and virulent, weren't they?

A. The intensity of the cultures is dependent on the density of the bacteria in them.

Q. Well, now, you have had some general experience along these particular lines in the course of your medical education and your internship. Now, let us assume, Doctor, you were the head, the chief, of a hygiene institute. Would you have allowed such potent and virulent cultures to leave your institute without your approval?

A. I must say to this that the bacterial intensity in this case was no stronger than in other experiments. If it is said that these were particularly potent or virulent cultures, this presupposition is not correct. Secondly, I do not know what goes on in a bacteriological institute, but I believe that the lending out of bacteriological cultures is one of the daily events in such an institute.

Q. What effect would the application of these cultures to a human being have?

A. They brought about an inflammatory bacteriological reaction.

Q. Pretty virulent, isn't it. Now, Doctor, could Grugowsky's institute, in your opinion, have supplied such cultures without the approval and knowledge of Grugowsky?

A. The question didn't come through entirely clearly. Would you mind repeating it, please?

Q. Could Kruchowsky's institute, that is, the Hygienic Institute of the Waffen SS, have supplied such cultures without the approval and knowledge of its chief, Dr. Kruchowsky?

A. I cannot answer that question.

Q. Could you or anyone else in the Hohenlychen staff have obtained these cultures from the Hygienic Institute of the Waffen SS without the knowledge and approval of Gebhardt?

A. No. In Hohenlychen that would have been impossible.

Q. Were you not aware of the fact that the sulfanilamide experiments must have caused considerable paid to the experimental subjects? Did you hear my question, Doctor?

A. I heard and understood the question. Mr. Prosecutor, I have seen many human beings who were sick, and I know what an unhappy fate it is to be sick. On the other hand, I know that the pains that make sickness so serious a matter are not in every case dangerous pains. I would like to say that there are sicknesses that are painful but not dangerous, and there are other sicknesses that are less painful but much more dangerous. I had always been trained to respect and to pity human suffering. I, therefore, ask you not to put a question to me that I should have to answer against my inner convictions for the sake of my own defense in that I should have to say that these unfortunate persons had no pain, because, of course, they did have pain.

Q. Well, didn't you also consider in addition to this pain that they endured during the course of the experiment that eventually mental depression might have been caused by these pains and by the inability to walk? Didn't that enter into it at all, Doctor?

A. In all these matters I was not entirely impervious to feelings, and these are the reasons why doing this job was so difficult for me. In order to prevent a spreading of the disease past a certain degree, we carried out the surgical operations of which I have spoken, but I believe I can really only answer this question if I return to what I said at the beginning. As an individual, I disapproved of this entire course of events,

but I stood confronted with a rules and a responsibility that extended past the sphere in which I could arrive at my own private decisions. This all took place at a time when I could not say to myself at all: Active men should consider only the consequences on human beings of their actions.

If you think now of what our motives must have been at that time, that would be the same thing as thinking that other human beings

might have approved of inflicting pain and death and have taken the responsibility for doing so.

You must think of the different orientation. I confess all this, that these poor people did feel pain and that they were unable to walk, but I must say that I at that time was not in a position to prevent these things in any way or to give that course of developments a different direction. The initiative for these acts did not originate in myself.

Q Now, Doctor, I am fully aware of your position in this matter and the defense which you have offered, but I have a few technical questions I am going to put to you, and each time I ask you a question, I don't want you to go into this tete a tete about the fact that you were fully aware of the pain and suffering. I just want to find out why you didn't do something about it. As you know, Mr. McHaney and I have always contended that you could have done something about it. Now I will continue.

You did know that these operations would have a lasting effect on the victims and could practically cripple the, didn't you?

A No, I cannot say it that way. I knew that after a surgical incision a scar resulted, but it was to be assumed that this incision would be about the size of a boil and that what would subsequently result would simply be the scar after the incision and a certain stiffening of the muscles in that region; but a crippling of the sort that you are insinuating was not something that I expected as a consequence.

Q Well now, Doctor, your affidavit, that is document number 228, Prosecution Exhibit No. 206, I call your attention again -- you executed this in November 1945. You testified that incisions were made on the lower part of the leg in order to make an amputation possible.

Now then, you did expect that it was possible that these operations might have a lasting effect on the victims, and you expected that eventual amputation might be necessary, didn't you?

A If one desires to carry out such a surgical operation so then you consider the maximum security and in so doing one must attempt to anticipate any possible contingency. I should not be honest if I should now try to state that in the case of an infection with gas gangrene I could not have seen the possibility of serious infection, or let me state it differently. I cannot say it was completely out of the question that serious consequences would result. In order to have absolute preventative measures, to have taken such measures, we carried out the surgical incision of which you just spoke.

Q Now how about these poor girls who were in the control group. In each series two persons were not given sulfanilamide as a control to determine its effectiveness. How about those girls? Didn't you expect it might be necessary to amputate in their cases?

A No, at the time it turned out that sulfanilamide was not as strictly effective as we had expected. Consequently the subjects who received sulfanilamide and those who did not went through the same case history. Also I must tell you a basic principle of surgery. The surgeon believes that he is on pretty safe grounds when there is a local infection, because he can always prevent the infection spreading by the use of his surgical knife and this was the case with those persons who did not receive sulfanilamide.

Q Now, doctor, you have heard in this court room the witness Madzka who testified to the effect that the victims of those experiments who died, that is the Polish girls Kurasska, Peplewko, Kruez and Povalowitz would have been saved if amputations had been carried out in time. Dr. Madzka, as you remember, had a medical education, and she was on the scene, now why did you not yourself carry out these amputations, and why did you not order someone else to save the lives of these

girls, or was it in the cards that these girls should die?

A I heard the witness, Madzka testify here and I am fully persuaded that Dr. Madzka had good medical training and can express competent opinions on that subject. Nevertheless I should like to say that the evaluation and adjudging of these case histories by Dr. Madzka can be interpreted differently, and I should like to say that the case histories were really different from the way she described them. The hope to keep the sickness from spreading, which Dr. Gebhardt expressed to keep it local, was in vain, if the inflammation did spread throughout the whole tissues. The correct evaluation of such a situation is very difficult and depends upon how much experience the individual has had. Consequently, I should like to say in all modesty that perhaps Dr. Madzka could have been wrong. So far as I observed these things and so far as Dr. Gebhardt saw them, there was no further hope of saving such a life through amputation. The other thing you said in your question, namely, that this might have been in the cards, this I must dispute. Very unfortunately that was not the case.

Q Now doctor, these particular girls who died as a result of experiments, were you attending them when they died?

A First, I was not with them when they died, but during the process of the disease I was present. It took place rather rapidly. I visited their sick beds daily but at the moment that they died I was not on hand.

Q Did Gebhardt - was he attending them when they died?

A He visited them during their sickness, but so far as I know he was not there when they passed on.

Q Who reported their deaths to you?

A Someone among the staff of camp physicians. I don't know who it was at the moment.

Q Oberhauser, wasn't it?

A It is quite possible that it was she.

Q Now, doctor, you have stated that you cannot recall and you do not remember ever having used tetanus in connection with these experiments. Did you ever consider that sulfanilimide was a potent remedy against tetanus?

A No, nor is it true. Sulfonimides do not have any effect on tetanus germs. We never carried out any innoculations with tetanus. That is out of the question.

Q Now, Madzka says again on page 1439 of the record that Veronika Aruska was infected with tetanus, wasn't she?

A It is true that Dr. Madzka said so, but I can say for certain that in these cultures there was not any tetanus so far as we knew and in this connection one can point out that there are cases in which tetanus might come up, but at any rate tetanus bacteria were not the cultures which we received.

Q Now assuming the testimony of Dr. Madzka was correct, purely an assumption, now, doctor, on your part in view of this testimony that Miss Aruszka was infected with tetanus in these experiments to determine the effect of sulfanilimide and it could be said medically she was doomed to die from the moment she was infected, is that right?

A Under this assumption I can say the following: I have only seen one or two cases of tetanus in my whole professional career, but so far as I know the prognosis in the case of tetanus is serious. I say this only on the basis of that assumption that you proposed. I can, however, say definitely and specifically we never carried out innoculations with tetanus baccilli.

Q Now, doctor, at this particular time were you familiar with conditions and the situations existing in concentration camps?

A No, I was not.

Q Were you familiar with the situation existing in Ravensbrueck?

A I know, of course, I heard of the existence of a concentration camp Ravensbrueck only immediately prior to these experiments and before them I could never have imagined what the term concentration camp meant or implied.

Q Well now those girls who had been experimented upon after the completion of the experiments, were they in a position to work?

A I should like to assume so for the greater part of them, for in most of the cases there was only a local inflammation which was then healed and which subsequently left no functional disturbance except, of course, for the scar. With such a scar on them, human beings, of course, can work, and it is customary that people who have scars do work. I believed at that time that on the contrary they received preferential treatment, or would have received it. In other words, they would not have been asked to work.

A Now do you suggest to me, doctor, there would have been some girls who would have been unable to work, is that right?

A No, if you got that impression the translation was not correct. I wanted to say that being used for work would not have been a great burden on the great part of those who were experimented upon, and in the case of the last group who were seriously sick, they could not work for some period of time.

A Well, you were aware of the fact, the girls in Ravensbrueck were subjected to hard labor at times, weren't you?

A I knew nothing about these matters and I find difficulty in expressing myself here but I am sure you will understand me if I say that I did not inquire further into the cir-

cumstances there than was necessary for my work. I have no precise notion of what labor demands were made on the inmates in particular. I know nothing of increased labor demands made on them.

Q Well, do you know, doctor, and I assume you did, that inability to work in a concentration camp was identical with the death sentence, that only people who were able to work could survive in those surroundings. Didn't you know that?

A No, that I did not know, Mr. Prosecutor.

MR. HARDY: This is a good breaking point, your Honors. I am going to another subject.

THE PRESIDENT: The Tribunal will be in recess.

(A short recess was taken)

THE MARSHAL: Persons in the court room will please find their seats. The Tribunal is again in session.

BY MR. HEDY:

Q. Dr. Fischer, you have testified here at some lenght in connection with the bone transplantation experiments. Now, you are a trained pathologist and I am now asking you as an expert - is there any difference in the regeneration of bones of animals of the mammalian group compared to that of human beings?

A. I cannot give you an exact answer to that question which could, in any way, be the answer of an expert. I believe, however, that in the case of animals the situation will be different and that for that reason there can be no possibility of comparison of regeneration compared to human beings. In order to summarize it in one sentence: as far as I remember, the power of regeneration of the tissues with animals is much stronger than in the case of human beings.

Q. Now, doctor, could these bone transplantation experiments have been carried out on animals just as well as human beings except for the fact that, under the circumstances, human beings were cheaper than animals?

A. With reference to your latter sentence, I really don't think I want to answer it. The bone transplantation was not carried through by me and I only have knowledge of it as it could be read in the publications of Dr. Stumpfegger. As far as I am informed, Dr. Stumpfegger wanted to prove something else and that was the autogenous substance, a certain power which only could be tested in relation to the human being.

Q. Did you ever remove extremities or parts of extremities from any inmate of the Ravensbruck Concentration Camp and transport that limb or part of a limb to Hohenlychen?

A. No, that was not the case. With the exception of the single case of mobilization of a shoulder blade which I described this morning during direct examination.

Q. Well, now, that scapula or shoulder blade - that is a part of the shoulder girdle, is it not?

A Yes, that is a part of the shoulder girdle.

Q Is it an important part of the shoulder girdle or isn't it?

A It is a very essential part of the shoulder girdle.

Q Now, after removal of the scapula, is a man no longer able to elevate his arm?

A Yes, partly he is able to do that, but the movement is certainly essentially restricted.

Q Well, now, the prisoner whose shoulder blade you removed - was that a man or a woman?

A I don't know that exactly.

Q Do you know his or her name?

A No, I don't know that.

Q In previous interrogations, Dr. Fischer, you have stated that it was a man while Gebhardt stated it was a woman. Can you clear this mystery up for us?

A Yes. Inasmuch as I wasn't informed about that person for the reasons which I have described. When having this evening conference with Stumpfegger I had the impression that we were concerned with the shoulder of a male inmate whose arm had been amputated - or rather, whose hand had been amputated.

Q Now, I have been waiting for that statement. You told Mr. McHaney and I in our interrogation last fall that the person upon whom you had operated to remove the scapula that said person had no arm. Now you say no hand. Which is true?

A. Yes, Mr. Prosecutor, this conversation to which you are referring contained exactly the same testimony which I made here now. At that time you also asked me whether I was not in a position to observe that. We are speaking about an amputation but in most cases we don't mean the amputation of the entire arm but the amputation of the essential functional part of the arm, which is the hand. For instance, in technical terminology one might say "he is a man whose arm was amputated", when in reality only his hand was amputated.

Q. Well, now, Doctor, did you do that to him yourself?

A. No.

Q. Did you talk to him?

A. No I didn't.

Q. Do you know whether he gave consent to the removal of his scapula, which is the main bony part of the shoulder girdle?

A. No, I did not know that either. I tried to describe to you today what the special site that was an operation I was assigned to do the job and under the circumstances I mobilized the shoulder blade.

Q. I - only were of that, Doctor. Are you going to tell us that you could possibly operate on a person and remove his scapula and not be able to determine whether or not that person had a hand or an arm?

A. Yes, that is possible.

Q. Goodness Doctor, you were right over the person, were you not?

A. Yes.

Q. And you still couldn't tell whether or not that person had an arm?

A. Mr. Prosecutor, the surgical field in this operation is so closely covered except for the part which is the area of the operation.

Q. Well, I would think it would be obvious, regardless of the fact that they are covered, that there is no arm or leg about or whatever they cover them with.

A. No, that isn't the case.

Q. Well, now, do you know what happened to this fellow afterwards?

A. This patient was subsequently sent over to the care of Dr.

Stumpf - Cr.

Q. Did you ever see him again?

A. Mr. Prosecutor, I went to Berlin the beginning of January, by order. I did not see him again.

Q. Would it have been important now, Doctor, to find out whether this man's arm, if in our opinion it was, useless or less useless after removal of his scapula?

A. Basically I have to reject this question. It would be right, in order to answer the entire question I have to say that we had an opportunity in our clinic to observe such conditions beforehand.

Q. Well, do you know whether or not the victim was killed after the removal of his scapula?

A. I do not know that.

Q. Did you know the name of the patient into whom the scapula, which was removed from this prisoner, was transplanted at Schwalychen?

A. His name was Ladisch.

Q. Who was he?

A. He was a student, in his early 20s.

Q. Was he a SS man or a private patient?

A. He was a private patient.

Q. Now, Doctor Gebhardt, in direct examination and in the cross-examination, stated that the reason for inserting the scapula into the patient Ladisch was the fact that this patient was, I quote, "endangered by cancer". Do you think that the implantation of bone in any way has any curative effect on cancer, such as Gebhardt suggested in his deliberately misleading statement, or could the implantation of this bone not have had merely a plastic effect?

A. Mr. Marty, you expect me to critically define myself to a testimony which was made by my former chief physician and my medical teacher. I ask you to consider that and I want to tell you the following. The patient, Ladisch, had a swelling which obviously looked malignant. It was in the area of the shoulder bone. He was the subject of long care and many examinations. I saw

a number of properties for these examinations. It was extremely difficult to decide what the actual progress was.

Q. Doctor, you are somewhat of an expert on cancer research, aren't you? As I recall, in your affidavit you said "Since I succeeded in scientific discoveries of the highest practical importance, that is, the solution of the cancer problem and its therapy, I have not communicated this fact to Professor Gebhardt and have not published this work, in order not to be or hereafter gain to carry out experiments.

INTERPRETER: Would you repeat that please? It did not come through in German.

Q. You were somewhat of an expert on cancer research, weren't you?

A. I cannot affirm that just like that. I endeavored to work in this field. Instead on the basis of my physiological and anatomical experience, on the basis of clinical work, and on the basis of experience in the field of xRay and radio therapy.

Q. You are aware, aren't you, Dr. Fischer, that Professor Gebhardt was deliberately telling nonsense when he suggested that the transplantation of the scapula had anything to do with curing the cancer of cancer? At best it was a very long shot that it might replace a bone destroyed by cancer. From your knowledge you know, of course, that the cancer could have been removed probably more completely if this scapula transplantation had not been carried out, is that right?

A. No, that question cannot be formulated in that manner. The surgical therapy, and I want to make that clear in order to distinguish it from any other kind of therapy, is a large part of a mutilating operation, distinguishing mutilating operation from a rehabilitating operation. The form of surgical therapy of cancer consists of an operation of the diseased tissue and the area around it from which it has to be feared that it would also be the place of a new infection; all these areas would have to be removed. The conceptions about a therapy which would go beyond this mutilating operation, differ. At

all these concepts and schools existed which endeavored on the one side to connect the mutilating operation with a rehabilitating operation in the case of cancer. This is the concept which was often presented in the school of Lexer, mostly in the case of a swelling which is just on the borderline of malignancy, as in the case here. In text books it is quite easy to decide what is malignant and what is not, but in reality the case is different. In the case of Infisch, the borderline and just been reached, and a decision was extremely difficult. I am convinced that my medical teacher and chief, Gebhardt, had the intention at that time to just coordinate the mutilating operation with a rehabilitating operation, with the concept, perhaps under the influence of Sturmfegeur, that the tissue from a healthy zone might, in certain sense, have a therapeutical effect. With reference to my last sentence, I must say that I am only assuming this.

Q Be that as it may, Doctor, you do know that that transplantation didn't even have a plastic effect on the patient Ladicz, don't you?

A As long as I was in Hohenlychen and saw the patient Ladicz before me, I could gain no final picture about the result of the operation.

Q Is it not true, Dr. Fischer, that while autoplastic transplantations, that is transplantation of bone from one bone of the patient to another bone of the same patient, if carried out carefully are successfully, that heteroplastic or homeoplastic transplantation, as Dr. Gebhardt called it during cross examination, that is, transplantation of bone from one individual to another individual, usually fails, according to all existing knowledge derived from experience on animals as well as human beings?

A Mr. Prosecutor, the question didn't come through as a question. I don't know what the subject of your real question is.

Q I have stated, Dr. Fischer, is it true or isn't it true, that a transplantation of a bone from one individual to another individual usually fails according to all existing knowledge derived from experiments in animals as well as human beings?

A I believe that lately there has been an essential change. It is correct that in the middle of the twenties, as far a one still used the metho of bone transplantation, one completely turned toward autoplastical transplantation. That was the method which was particularly cultivated at Hohenlychen. As I had to assume, my chief had the concept that other ways were possible too. He thought that one of these waywas the homeoplastical transplantation, that is the transplantation from one human being to another. At least I had to think that Professor Gebhardt considered that opportunity and perhaps thought that this was a way of some future development in rehabilitation surgery.

Q Well, now, in your opinion, should this whole question of heteroplastic or homeoplastic transplantation, in contrast to autoplastic transplantation, that if a reinvestigation of this old settled problem, that homeoplastic transplantations were unsuccessful, was it indicated at all, wouldn't you think it would first be advisable to re-investigate this problem in anima before depriving human beings perhaps of their limbs?

A I am not quite clear where your emphasis lies in putting that question. The question of autoplastical transplantation cannot be solved in that manner which you like to assume, Mr. Prosecutor; and as to the question of homeoplastical transplantation, that is the transplantation from one individual to another, I should like to tell you that in the lower series of animals homeoplastic transplantation is possible.

Q Well, Doctor, could all of these bone operations including the transplantation experiments and the removal of the shoulder blade from the concentration camp prisoners, and where limbs or parts of limbs may have been removed in connection with these experiments, could all of those experiments which we are grouping together under the name of "transplantation experiments" have been carried out, if Gebhardt had not approved?

A I must answer this question in its various parts. I don't know the transplantation of entire limbs; How far and to what extent Gebhardt exercised an influence over Stumpfecker, I cannot tell you, since I did not converse with either of them, and since I am not in a position to judge the relations between Prof. Stumpfegger and Dr. Gebhardt and analyze them. I can only say that the mobilization of the shoulder blade would not have been possible if it had not been carried out by strict and unambiguous order of Professor Gebhardt.

Q In connection with these experiments, do you think Gebhardt could have prevented them if he had wanted to do so?

A Your question goes beyond my competency of answering it. The power of Gebhardt is based on a relation and attitude towards Himmler and Hitler. I can say nothing about that since I never saw Hitler at all, and si I only saw Himmler on a few occasions of visits to Hohenlychen, but never spoke with him. Since the core of the question is about the relations of Gebhardt and Himmler, and since I know nothing about that of my own knowledge I am not in a position to answer the question as you put it.

Q Did Stumpfecker have any rank in the SS or any military organiza

A Stumpfecker was finally Obersturmbannfuehrer of the Waffen-SS.

Q And Gebhardt was Gruppenfuehrer?

A Yes, Gebhardt was Gruppenfuehrer.

Q Doctor, is it important in all bone operations to observe asepsi capillae because of the fact that an infection of the bone marrow leads t osteomylitis?

A I don't think that was translated properly. You probably mean asepsis.

Q I said asepsis, yes.

A The asepsis the basic request for a plastic operation on the bone.

Q Well, now, do you know, Dr. Fischer, that the prisoner, Helena Tesaakka, one of the Polish girls, is still severely ill from a crippling osteomylitis ever since the bone operation was performed in the summer of 1943, do you know that?

A No, I don't know that, Mr. Prosecutor, and I must ask you how should I know that?

Q For your information, Doctor, we were unable to transport her from Warsaw, because of her condition and the crippling osteomylitis which she is now going through. Did you ever examine her?

A No.

Q Now, was a bunker, not the hospital barracks, or the operating room, but was the bunker a suitable place to perform aseptic operations?

A I don't know the bunker, and as far as I am informed there was n bunker at the hospital barracks of the camp. I should like to tell you once more that I know of no operations performed in the bunker. As far as I am informed, on the basis of the indictment such operations were carried out i August 1943. During that time I was serving with a Division as a physician there.

Q I will ask you a technical question in that regard as an expert, as a physician: One of the Polish girls here testified she was operated on for the fifth time in the bunker; was it not a foregone conclusion that a patie operated on under such conditions would develop infection?

A May I ask you for the name of the patient, was it Miss Karoleska?

Q Frankly, Doctor, I can't remember offhand. We will pass over that. At this meeting in Berlin in May 1943, in which you and Gebhardt reported the results of your experiments was Handloser there?

A Professor Handloser was present, yes.

Q Was Brandt there? Karl Brandt?

A Yes.

Q Was Dr. Leonardo Conti there.

A Yes, he was present.

Q They were sitting in the front row, were they not?

A Yes, those three gentlemen sat in the front row, yes.

Q Brandt was in the middle, wasn't he?

A Yes.

Q Was Dr. Rostock there?

A Yes, Professor Rostock was present too.

Q Were any of the other defendants there?

A Dr. Poppendick was there too.

Q Did you and Dr. Gebhardt take along Dr. Oberhauser with you, so she could see some of the fruits of her work, or was she absent?

A Dr. Oberhauser was not there.

Q Now, you testified this morning that Gebhardt gave his report, and then you gave a report; did I hear you correctly in that you stated that from your report it could have been ascertained that three persons died as a result of the experiments?

Q Was it or was it not obvious from this report of Gebhardt and yourself that concentration camp inmates were used?

A I endeavored to remember that exactly at that time, and always since, I had a conception that that was so. I myself didn't report on that, since I only mentioned the technical part. The introductory words were spoken by Professor Doctor Gebhardt. As I now try to concentrate on these matters and try to give you some reliable information, I cannot tell you with a certainty that the word "Concentration Camp", or the concept concentration camp, was mentioned during the report made by Professor Gebhardt.

Q Did Gebhardt make it obvious that involuntary subjects were used?

A No, he did not do that.

Q Did Rostock state that it was obvious that involuntary subjects were used?

A Professor Rostock did not speak at all on these matters.

Q Didn't Professor Rostock tell us that he can recall Professor Gebhardt said they used persons condemned to death for these experiments, and such persons would receive a pardon if they successfully underwent the experiments; I am sure he told us that?

A I remember that too, I remember he said it here, here on this seat.

Q After your report did Brandt stand up and object.

A No, that was not so.

Q Did Handloser object?

A No, nobody objected.

Q Nobody inquired about the three deaths which were obvious from your fever curve charts, or whatever reports you did have there?

A Nobody did that during the meeting, and nobody raised any such questions when speaking to me personally.

Q Didn't Gebhardt, in his testimony while on the stand, which is on page 3969 of the English transcript, page 4001 of the German transcript, state, and I quote: "I have always obeyed what was ordered, and demanded the same from anyone who was subordinated to me." Is it true in your opinion that Doctor Gebhardt always insisted on absolute obedience?

A Dr. Gebhardt always maintained this principle of absolute obedience in his clinic, and whenever he was active in military situations he demanded and maintained that principle to an extreme extent with the help of his powerful personality.

Q What was your rank, Doctor?

A In July 1942 I was Obersturmfuehrer.

Q Did that place you definitely under Gruppenfuehrer Gebhardt in his triple capacity as a Gruppenfuehrer, Chief Physician of the Medical Service of the SS, and Chief of Hohenlychen hospital?

A I was subordinated directly to Professor Gebhardt in a very clear channel of command.

Q What was Dr. Stumpfegger's rank again?

A Dr. Stumpfegger was at that time Sturmbannfuehrer.

Q Was he also an assistant in the Hohenlychen hospital?

A Dr. Stumpfegger during peace time was assistant at Hohenlychen, and he was assistant there at the beginning of the war; then he went to the front as the leader of this Surgeons' Group to the divisions and in 1942 was the escort physician of Himmler.

Q Well, during the time that Stumpfegger was at Hohenlychen engaged in his activities at Ravensbruck did Gebhardt, the Gruppenfuehrer, always insist on absolute obedience on the part of Dr. Stumpfegger?

A Stumpfegger, on the basis of his position with the Reichs Fuehrer, held a special place, and he was no longer a member of the clinic during that time. Stumpfegger, who later became the escort physician of Hitler, went away from the time of the clinic and had a special situation which had nothing to do any more with the clinic or the hospital.

Q Well now, could Dr. Stumpfegger, while working at Hohenlychen or Ravensbruck, do any experimental or surgical work of which Dr. Gebhardt disapproved?

A Yes, Mr. Prosecutor, I would assume that.

Q What sort of a person was Dr. Gebhardt as a chief; could one talk to him or argue with him, or did he tolerate no argument or contradiction?

A Professor Gebhardt was an active man, he was a creative man, he was not quite easy to work for as a superior, and the possibilities for discussion were very limited. On the other hand, we assistants put ourselves all under his command because we saw a complete justification of his behavior because of the efforts he had made during his life and because of what he achieved. We understood that he wanted obedience, both civilian and military obedience during the war.

Q It is true that he was a hard man to talk to; isn't it?

A It was difficult to get into any conversation with him; whenever he decided to give an order, or when he had come to express an opinion which he himself had already judged he represented this opinion as being correct and maintained this opinion with clear initiative. This is true of all his work, and I should like to say that if had he not possessed this characteristic of a human being, most of his work, which was done by his own personal creation, would not have been possible.

Q Well, now, you state he did not tolerate any argument or contradiction, didn't you?

A No question came through.

Q I said you would state that he did not tolerate any argument or contradiction?

A No, he didn't allow that.

Q Well now, in Gebhardt's direct examination on page 4000 of the German transcript, Dr. Gebhardt said that the form of orders, and the system of authority under which he lived was, as he knows now, of such stringency that it was only possible if the one giving the order was omniscient; did Gebhardt act in his capacity as a superior as if he were omniscient?

DR. SEIDL (Defense Counsel for Professor Gebhardt): Mr. President, I believe that I can remember what Dr. Gebhardt testified as a witness on the stand. I think I can say with certainty that he made no utterance of that contents. It can only be a question of a mistake in the translation, and I should like to state at this opportunity that in view of the incorrect translation of the statements made by Professor Gebhardt, I have made the application in writing to the General Secretary that the testimony of Gebhardt be compared with the discs and the records made, and that the translation be corrected. With reference to the utterance which has just been quoted, I think I can say with certainty that such a sentence had never been expressed.

MR. HARDY: Your Honor, to avoid any confusion or delay, I will withdraw my question.

BY MR. MARDY:

Q Dr. Fischer, Dr. Gebhardt testified here on the stand that at Hohenlychen he had the supervision of Frau Himmler and her children; was this Mrs. Himmler at Hohenlychen, or was this Himmler's mistress?

A I am not informed about these relationships, Mr. Prosecutor. I am not informed sufficiently to give any exact statements here.

Q Did Gebhardt care for any other women and children of higher officials at Hohenlychen?

A I know nothing of that.

Q What is your frank opinion about the results, scientifically and practically, of the experiments at Ravensbruck; briefly, Doctor?

A I already expressed this opinion during direct examination. I believe that I clearly expressed that the hope which prevailed among certain circles of physicians, namely that sulfonamides would develop a means which would enable us to cure for war wounds and would make a careful surgical treatment superfluous, had become a hope which turned out to be a failure, and that I think was the only practical result achieved. I am also convinced that the second conclusion, which bears a more theoretical character, namely the limitation of the effectiveness of sulfonamides in the case of bacteriological infectuous diseases, according to the strictest morphological point of view had been a very essential recognition.

A I am almost of the opinion that this will become essentially effective in the future. That is shortly summarized the conception which I have about these matters.

Q Thank you. What was the last time, or when was the last time, in which you saw any of the experimental subjects after the experimental operation, apart from those that you saw in this courtroom?

A That must have been around the middle of December, 1942.

Q For how long after each experimental operation did you have any of these subjects under your observation?

A The regular change of dressing continued up to three weeks.

Q What was the latest time after the experimental operation at which you saw any of these subjects? Was it merely three weeks?

A No. During these changes of dressings patients, experimental subjects from previous experiments reported for changes of their dressing, so that I could check on the patients for a period up to eight weeks.

Q Were any plans made by you and Gebhardt for regular follow-ups after the experimental operations, that is, until such time as the person experimented on was completely restored to a condition whereby they could have freedom of locomotion, and so forth?

A Mr. Prosecutor, the question is not clear enough for me to answer it. May I ask you to repeat it?

Q Were any plans made for regular follow-ups after the experimental operations?

A I believe that Gebhardt had such a plan or, at least, had such an intention. At that time I left Hohenlychen, and I think that if this was not actually executed, it was not done for two reasons: one, -- and I think that is the specific result of Gebhardt's work at all -- that every rehabilitating operation needs a transition period of at least two years, and that every form of exercise treatment, massage treatment and follow-up treatment where any inflammatory disease had only just stopped, is not only useless but extremely dangerous. I believe that the external circumstances alone, and I mean the slowly appearing catastrophe of 1944 and 1945, prevented Gebhardt from realizing his intention.

Q Now, were there any plans made for restorative operations and for cosmetic improvement of the results after a period of one or two years? I think you can answer that "Yes" or "No", Doctor.

A During that time I was not there, and for that reason I cannot answer that question.

Q Well now, Dr. Gebhardt said on the stand that plastic improvement of the operative residuals could have been attempted two years after the experiments. What was done in regard to this problem in the Summer of 1944, and in case you were not there, do you know of any such plans having been made?

A I wasn't there and I don't know what plans were made.

Q Well now, when you returned to Hohenlychen after your injury and took up work there again in 1944, did you carry out follow-up examinations on the experimental subjects in nearby Ravensbrueck?

A Mr. Prosecutor, I didn't return to Hohenlychen, and I didn't work there any longer. I returned, yes, but I returned as a patient, and before my final cure I left the hospital. In December, 1944 I was again in Berlin.

MR. MARDY: Pardon me, Your Honor. I only have a few questions, and I may run over four-thirty, but I can finish today within a reasonable time, and if Your Honor so sees fit, I would like to finish today.

Q Well now, Doctor, you operated on these girls. You were the operating surgeon. Didn't you feel responsible for them?

A Mr. Prosecutor, at that time I was quite clear about that, and I have to revert to the entire situation once more, that during the war situations arose, and if there will be any more wars in the future situations will arise again, there will be situations where the individual man who acts must limit his own responsibility whenever anything is ordered in this sense. I don't want to take up your patience and I don't want you to have to listen to yet another example where human beings have to act, have to cause suffering, and in the course of their activity have to experience death, who as individuals would also never do that, and who are freed by the State because of the fact that they were acting

on the basis of the law which takes that responsibility away from them. Beyond that there is a moral sanctioning ---.

Q All right, Doctor. We have gone over that several times. I have a few more questions to put to you and you can answer them "Yes" or "No", I believe. If you feel you cannot, you may go into detail.

Now here you returned to Hohenlychen in 1944. You had operated on these girls. You had orders to operate on these girls, you state, but now as a doctor and as a humane person, did you show any interest in the girls when you returned? Did you ask whetherthey were still alive and how they were getting along?

A I spoke to the Polish technical assistant aboutthat problem. She told me that the experimental patients were still at Ravensbrueck. At that time I expressed my opinion and my concern.

Q Who is this Polish technical assistant? Where was that assistant stationed? At Hohenlychen?

A Yes, she was in Hohenlychen.

Q Where did she come from?

A From Ravensbrueck.

Q Oh, you had inmates of Ravensbrueck working at Hohenlychen, is that right?

A Yes, that was the case.

Q Did you know that the six girls were executed in spite of the fact that they were submitted to these experiments?

A No, I didn't know that, Mr. Prosecutor.

Q Well now, I assume that these girls had an original agreement when they underwent these experiments, according to your testimony and the testimony of Professor Gebhardt, that is, that if they successfully endured these experiments that their sentences would be reduced. Now I ask you, Dr. Fischer, did you make any attempt to find out yourself whether such breaches of the original agreement, assuming that such an agreement did exist, had occurred or had not occurred?

A I turned to Professor Gebhardt with that question about the fate of the experimental subject. I discussed these matters with him because

this was the only channel I had for any such discussion.

Q Well then, Doctor, after these experiments in a place that was twelve kilometers from Hohenlychen, those girls were merely abandoned, young ladies like Miss Kiesmierczak who was here in this

courtroom, to the tender mercies of the concentration camp doctor, is that correct?

A Mr. Hardy, if you are presenting these matters in that form, you are attributing too wide a limitation to me, my possibilities, and my responsibilities. And not as much to responsibility as to the possibility.

Q All right, Doctor, you have stated that as a human being, a person and a physician, that these experiments, or the subjection of persons to experiments without their consent, was not permissible and that you wouldn't have done it under ordinary circumstances, is that right?

A I testified that under normal circumstances I would not have performed these experiments.

Q Well, now, you have stated that the only reason why you performed these experiments was because of superior orders from Professor Gebhardt and above, is that right?

A Yes, that is correct.

Q Suppose you had refused to carry out those experiments, what would Gebhardt have done to you? Would anything have happened to you?

A That is a question which I cannot answer factually, and you cannot expect me to give you an answer whereby I make an assumption or invent something.

In the year of 1942 the basic question was different. It was not a fear of a death sentence or anything like that, but the alternative was either to be obedient or be disobedient during the war, and thereby set an example, an example of disobedience.

Q Now, you the obedient young soldier, Doctor, assume Dr. Gebhardt had ordered you, orders, superior orders from the Gruppenfuehrer, to cut the arm off Dr. Oberhauser because they wanted to use it in an experiment, what would you have done?

A I cannot answer that question.

MR. MARDY: I have no further questions, Your Honor.

THE PRESIDENT: The Tribunal will be in recess until nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned until 12 March 1947 at 0930 hours.)

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